
Barclays Official
**CALIFORNIA
CODE OF
REGULATIONS**

Title 19. Public Safety

Complete Title

Vol. 25

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BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
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BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

REVISED EDITION

This edition of *Barclays Official California Code of Regulations*, revised on April 1, 1990, has been published under the direction of the California Office of Administrative Law which is solely responsible for its contents. Comments or questions regarding regulations published in this edition should be addressed to the State of California, Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814, (916) 323-6225. Errors reported will be promptly corrected in subsequent supplements.

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Courts are required to take judicial notice of contents of regulations published in the *Official California Code of Regulations* (Gov. Code, § 11344.6). *Barclays Official California Code of Regulations*, as revised April 1, 1990, has been certified by the Office of Administrative Law as the official publication of the State of California for this purpose pursuant to title 1, *California Code of Regulations*, section 190.

CODE SUPPLEMENTS

Amendments to the official Code are certified weekly by the Office of Administrative Law for publication by Barclays. These amendments, when certified and published, become part of the *Official California Code of Regulations*, beginning with Register 90, No. 14, dated April 7, 1990, and include all regulations filed with the Secretary of State on or after April 1, 1990. Amendment subscriptions to the entire revised Code, or to parts of it, are available from the publisher. For a descriptive brochure and order form, write Barclays Official California Code of Regulations, P.O. Box 2008, San Francisco, CA 94126 or telephone 800-888-3600.

CODE CITATION

Cite all materials in the *Official California Code of Regulations* by title number and section number. Example: Title 3, *California Code of Regulations*, section 432 (Short form: Cal. Code Regs., tit. 3, § 432).

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TITLE 19. PUBLIC SAFETY

NOMENCLATURE CROSS-REFERENCE

(NOTE: Effective April 1, 1990, the Office of Administrative Law authorized the renaming of the hierarchical headings used within the Titles of the *California Code of Regulations*. Until the agencies implement these changes in their regulations, use the following Cross-Reference Table for the new organizational headings used in this Title.)

OLD HIERARCHY

REVISED HIERARCHY

Chapter	Division
Subchapter	Chapter
Part	Subchapter
Article	Article
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TITLE 19. PUBLIC SAFETY

Division 1. State Fire Marshal

Chapter 1. General Fire and Panic Safety Standards

Subchapter 1. Administration

Article 1. Basic Operational Requirements

§ 1.00. Title.

These regulations shall be known as the "Regulations of the State Fire Marshal" and shall constitute the Basic Building Design and Construction Standards of the State Fire Marshal. They may be cited as such, and will be referred to herein as "these regulations."

NOTE: Authority cited: Sections 12081, 13108, 13143, 13143.6, 13144.4, 17920.7 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5, 13210–13216, 17921 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Repealer of Subchapter 1 (1.01 through 80.04) and new Subchapter 1 (1.00 through 80.15.7, not consecutive) filed 12–24–71; designated effective 2–1–72 (Register 71, No. 52). For prior history see Registers 63, No. 8; 64, No. 8; 66, Nos. 20 and 34; 67, No. 5; 68, Nos. 14, 37, 40; 69, Nos. 4 and 46; 70, Nos. 27 and 48; 71, No. 13.
2. Change without regulatory effect of NOTE filed 8–24–88 (Register 88, No. 36).

§ 1.02. Purpose.

These regulations have been prepared and adopted for the purpose of establishing minimum standards for the prevention of fire and for the protection of life and property against fire, explosion and panic.

NOTE: Authority cited: Sections 17920.7 and 17921, Health and Safety Code. Reference: Sections 17920.7 and 17921, Health and Safety Code.

HISTORY

1. Change without regulatory effect adding NOTE filed 8–24–88 (Register 88, No. 36).

§ 1.03. Scope.

(a) These regulations shall govern the use and maintenance of any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, sanitarium, home for aged, children's home or institution, school or any similar occupancy of any capacity; and any theater, dance hall, skating rink, auditorium, assembly hall, meeting hall, night club, fair building, or similar place of assemblage where 50 or more persons may gather together in a building, room or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education, and in any building or structure which is open to the public and is used or intended to be used for the showing of motion pictures when an admission fee is charged and when such building or structure has a capacity of 10 or more persons, and shall apply to both new and existing occupancies.

EXCEPTION:

(1) Buildings controlled by the Federal Government, provided they are not subject to the provisions of Section 15452, Education Code.

(2) Homes and institutions and day care facilities which provide non-medical board, room, and care for 6 or fewer ambulatory children.

These regulations shall also apply to any building housing any occupancy when such building is used as an auxiliary or accessory structure to any of the occupancies specified herein. They do not apply to structural requirements not relating to fire and panic safety nor to matters dealing exclusively with health and sanitation.

(b) In accordance with Section 13108 of the Health and Safety Code, these regulations shall govern the design and construction relating to fire protection in any state institution and in any state-owned or state-occupied building.

For purposes of these regulations, "state-occupied buildings" are defined as those portions of a building which are leased or rented by the state and shall include all required exits leading therefrom to a public way. Portions of state-occupied buildings which are not leased or rented by the state shall not fall within the scope of this subsection unless such portions present an exposure hazard to the state-occupied area.

(c) These regulations shall also govern the use and maintenance of "organized camps" as defined in Section 18897, Health and Safety Code.

(d) These regulations shall also govern the use and maintenance of any building or structure used or intended for the housing of any person of any age when such person is referred to or placed within such home or facility for protective social care and supervision services by any governmental agency.

(e) These regulations shall also govern the construction, use and maintenance of every building of any type of construction or occupancy having floors used for human occupancy located more than 75 feet above the lowest floor level having building access.

For the purpose of this subsection, "building access" shall mean an exterior door opening conforming to all of the following:

- (1) Suitable and available for fire department use.
- (2) Located not more than 2 feet above the adjacent ground level.
- (3) Leading to a space, room or area having foot traffic communication capabilities with the remainder of the building.

(4) Designed to permit penetration through the use of fire department forcible entry tools and equipment unless other approved arrangements have been made with the fire authority having jurisdiction.

(f) These regulations shall also apply to vehicles, ships and boats or other mobile structures when fixed in a specific location and used for any occupancy within the scope of this section.

NOTE: Authority cited: Sections 13108, 13143, 13143.6, 13211, 17920.7 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5, 13210–13216, 17921 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Amendment of subsections (a) and (b) filed 2–7–75; effective thirtieth day thereafter (Register 75, No. 6). For prior history, see Register 74, No. 52.
2. Amendment of subsection (b) filed 5–7–79; effective thirtieth day thereafter (Register 79, No. 19).
3. Amendment filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48).
4. Change without regulatory effect on NOTE filed 8–24–88 (Register 88, No. 36).

§ 1.04. Basis.

These regulations are intended to establish reasonable fire, explosion, and panic safety standards and are predicated on the basis that the area, height and fire-resistive qualities of buildings housing the various type occupancies regulated herein are substantially consistent with the fire, explosion and panic safety provisions of nationally recognized standards. When the area, height, fire-resistive qualities, and arrangement of exits of a building do not conform to these regulations for the occupancy in question, additional exit facilities, fire separations, and fire extinguishing systems as are deemed necessary by the inspection authority, shall be provided to afford a degree of safety to the occupants of the building substantially equivalent to these regulations.

NOTE: Authority cited: Sections 17920.7 and 17921, Health and Safety Code. Reference: Sections 17920.7 and 17921, Health and Safety Code.

HISTORY

1. Editorial correction (Register 71, No. 52 errata sheets).
2. Change without regulatory effect adding NOTE filed 8–24–88 (Register 88, No. 36).

§ 1.05. Supervision.

(a) Every occupancy within the scope of these regulations shall be staffed with competent adult persons who shall give an alarm in the event of fire, assist the occupants of the building to safety and take other action as necessary.

(b) When any child in a R-2.2.1 Occupancy is 12 years of age or less and is housed above the first floor, an adult supervisor shall be housed on the floor used by the child. The adult supervisor shall meet the requirements of the appropriate licensing or certifying agency. Such adult supervisor shall have access to the bedroom of the child without exposure to any unprotected interior stairway.

NOTE: It is the intent of this section to permit the aid of the adult supervisor in evacuating the child from the building. Exits shall not be blocked so as to impair access either for the adult to the child, or from the child's bedroom to the exterior.

NOTE: Authority cited: Sections 13108 and 13143, Health and Safety Code. Reference: Sections 13100–13146.5, Health and Safety Code.

HISTORY

1. Amendment filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48).
2. Change without regulatory effect amending subsection (b) filed 2–25–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 9).

§ 1.06. Validity.

If any article, section, subsection, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional, contrary to statute, exceeding the authority of the State Fire Marshal, or otherwise inoperative, such decision shall not affect the validity of the remaining portion of these regulations.

NOTE: Authority cited: Sections 17920.7 and 17921, Health and Safety Code. Reference: Sections 17920.7 and 17921, Health and Safety Code.

HISTORY

1. Change without regulatory effect adding NOTE filed 8–24–88 (Register 88, No. 36).

§ 1.07. Local Ordinances.

Nothing contained in these regulations shall be considered as abrogating the provisions of any ordinance, rule or regulation of any city, city and county, or county governmental agency, providing such local ordinance, rule or regulation is not less stringent than these minimum standards.

NOTE: No local ordinance, rule or regulation shall be applicable to any of the following:

- (a) Public Schools. (Hall v City of Taft, 47 Cal. 2d 177.)
- (b) State-owned and state-occupied buildings and state institutions (Kuback Co. v McGuire, 199 Cal. 215 and cases cited. Also Section 13108, Health and Safety Code.)
- (c) Community care facilities as defined in Section 1502, Health and Safety Code and classified as R-2 or R-6 Occupancies in Part 2, Title 24, California Building Standards Code. (Section 13143, Health and Safety Code.)
- (d) Organized Camps. (Attorney General letter of opinion dated October 24, 1974—Opinion No. 74/254 I.L.)

NOTE: Authority cited: Sections 13108, 13143, 13143.6, 13211 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5, 13210–13216 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Amendment filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48).
2. Change without regulatory effect amending subsection (c) filed 2–25–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 9).

§ 1.08. Report of Arrest.

Any inspection authority who, in the exercise of his authority as a Deputy State Fire Marshal, causes any legal complaints to be filed or any arrest to be made shall notify the State Fire Marshal immediately following such action.

§ 1.09. Fire and Life Safety References and Resources.

(a) The installation, maintenance, and operation of any material, appliance, furnishing or process and the maintenance and operation of any building housing occupancies governed by these regulations shall be such that no undue hazard to life and property is created or permitted. When these regulations do not specifically cover any matter pertaining to fire and life safety, recognized fire prevention engineering practices shall be employed including but not limited to the following reference publications:

(1) The National Fire Codes and the Fire Protection Handbook published by the National Fire Protection Association may be used as authoritative guides in determining recognized fire prevention engineering practices.

(2) The 2000 edition of the Uniform Fire Code as published by the Western Fire Chiefs Association, is hereby adopted by reference for the purpose of establishing minimum requirements relative to the control of conditions hazardous to life or property in the use or occupancy of buildings or premises. (See Section 1.09.1 for Order of Precedence).

(b) Neither the provisions of this section nor the provisions of any code referred to in this section shall be construed to mandate the installation of any fire protective device, equipment, appliance or systems not otherwise required by these regulations or Title 24 of the California Building Standards Code unless such installation is necessary to maintain the operational integrity of any required device, equipment, appliance or systems.

NOTE: Authority cited: Sections 13108, 13143, 13143.6, 13211 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5, 13210–13216, and 18897–18897.7, Health and Safety Code.

HISTORY

1. Amendment filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Registers 75, No. 6; 72, No. 33; and 72, No. 19.
2. Change without regulatory effect of NOTE filed 8–24–88 (Register 88, No. 36).
3. Amendment of section heading and section filed 10–28–2004; operative 10–28–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 44).

§ 1.09.1. Order of Precedence.

In the event of any differences between these regulations and the standard reference documents or standard fire prevention practices, the text of these regulations shall govern. Where a specific provision varies from a general provision, the specific provision shall apply.

NOTE: Authority cited: Sections 12081, 13108, 13143, 13143.6, 13211, 17920.7 and 18897.3, Health and Safety Code. Reference: Sections 12000–12401, 13100–13146.5, 13210–13216, 17921 and 18897–18897.7, Health and Safety Code.

HISTORY

1. New section filed 2–7–75; effective thirtieth day thereafter (Register 75, No. 6).
2. Change without regulatory effect of NOTE filed 8–24–88 (Register 88, No. 36).

§ 1.10. Violations.

Any person who violates any regulation contained in this subchapter shall be considered in violation of the statutes under which these regulations have been adopted.

NOTE: Authority cited: Sections 17920.7 and 17921, Health and Safety Code. Reference: Sections 17920.7 and 17921, Health and Safety Code.

HISTORY

1. Amendment filed 7–2–74 as an emergency; designated effective 7–2–74. Certificate of Compliance included (Register 74, No. 27).
2. Change without regulatory effect adding NOTE filed 8–24–88 (Register 88, No. 36).

§ 1.11. Enforcement of Regulations.

In most instances the application of regulations to existing occupancies will necessitate the granting of sufficient time to effect the necessary changes. The inspection authority must, therefore, exercise good judgment in authorizing sufficient time to complete the required changes, taking into consideration the degree of danger to life in event of fire while rectification is being carried out. The inspection authority may require immediate compliance with any or all of the regulations, or he may grant a reasonable length of time in which to conform.

NOTE: Authority cited: Sections 17920.7 and 17921, Health and Safety Code. Reference: Sections 17920.7 and 17921, Health and Safety Code.

HISTORY

1. Change without regulatory effect adding NOTE filed 8-24-88 (Register 88, No. 36).

§ 1.12. Enforcement Agency.

(a) The provisions of these regulations shall be enforced by the State Fire Marshal, the chief of any city or county fire department or fire protection district, and their authorized representatives, in their respective areas of jurisdiction.

[The next page is 3.]



(b) The division of authority for the enforcement of these regulations shall be in accordance with the following:

(1) The chief of any city or county fire department or fire protection district, and their authorized representatives shall enforce the rules and regulations in their respective areas.

(2) The State Fire Marshal shall have authority to enforce the rules and regulations in areas outside of corporate cities and county fire protection districts.

(3) The State Fire Marshal shall have authority to enforce the rules and regulations in corporate cities and county fire protection districts upon request of the chief fire official or the governing body.

(c) Regardless of the provisions of subsections (a) and (b) above, these regulations shall be enforced in state institutions, state-owned and state-occupied buildings in accordance with the provisions of Section 13108, Health and Safety Code.

(d) Regardless of the above provisions of this section, these regulations shall be enforced only by the State Fire Marshal in every jail or place of detention for persons charged with or convicted of a crime, unless the chief of a city or county fire department or fire protection district, or such chief's authorized representative, annually indicates in writing to the State Fire Marshal that inspections of such jails or places of detention will be conducted by the chief or such person's authorized representative, in their respective area of jurisdiction.

Reports of inspection conducted pursuant to this subsection shall be on forms provided by the State Fire Marshal and shall be submitted to the official in charge of the facility, the local governing body, the State Fire Marshal and the Board of Corrections.

NOTE: Authority cited: Sections 13108, 13143, 13143.6, 13211, 17920.7 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5, 13210–13216, 17921 and 18897–18897.7, Health and Safety Code.

HISTORY

1. New subsection (d) filed 5–7–79; effective thirtieth day thereafter (Register 79, No. 19).
2. Amendment of subsection (c) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48).
3. Change without regulatory effect of NOTE filed 8–24–88 (Register 88, No. 36).

§ 1.13. Penalty.

Section 13112 of the Health and Safety Code provides that:

(a) "Every person who violates any provision of this chapter, or any order, rule or regulation made pursuant to this chapter is guilty of a misdemeanor punishable by a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), or by imprisonment for not less than thirty (30) days nor more than one hundred eighty (180) days, or by both."

(b) "A person is guilty of a separate offense each day during which he commits, continues, or permits a violation of any provision of, or any order, rule or regulation made pursuant to, this chapter."

NOTE: Authority cited: Sections 17920.7 and 17921, Health and Safety Code. Reference: Sections 17920.7 and 17921, Health and Safety Code.

HISTORY

1. Change without regulatory effect adding NOTE filed 8–24–88 (Register 88, No. 36).

§ 1.14. Maintenance.

Every fire alarm system or device, sprinkler system, fire extinguisher, fire hose, fire resistive assembly or any other fire safety assembly, device, material or equipment installed and retained in service in any building or structure subject to these regulations shall be maintained in an operable condition at all times in accordance with these regulations and with their intended use.

NOTE: Authority cited: Sections 17920.7 and 17921, Health and Safety Code. Reference: Sections 17920.7 and 17921, Health and Safety Code.

HISTORY

1. New section filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For history of former section, see Register 72, No. 11.
2. Change without regulatory effect adding NOTE filed 8–24–88 (Register 88, No. 36).

§ 1.15. Labels.

HISTORY

1. Repealer filed 3–10–72; effective thirtieth day thereafter (Register 72, No. 11).

Article 1.5. Construction Materials and Equipment Listings

NOTE: Authority cited: Section 11349.1, Government Code.

HISTORY

1. New Article 1.5 (Sections 1.50 through 1.63) filed 3–10–72; effective thirtieth day thereafter (Register 72, No. 11).
2. Renumbering of Section 1.50 to Section 1.49 filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48).
3. Change without regulatory effect transferring and reorganizing Subchapter 1 (Article 1.5, Sections 1.49–1.63) as Subchapter 1.5 (Articles 1–8, Sections 200–217) filed 5–28–86; effective thirtieth day thereafter (Register 86, No. 22). For prior history, see Register 84, No. 49.

Article 2. Alternate Means of Protection, and Appeals

§ 2.01. Alternate Means of Protection.

The provisions of these regulations are not intended to prevent the use of any equipment, material, assembly of materials, method of construction, method of installation of equipment, or means of protection not specifically prescribed by these regulations. The enforcing agency may approve any such alternate provided the proposed design is satisfactory and complies with the intent of these regulations and that the material, assembly of materials, equipment, method of construction or method of installation of equipment, or means of protection offered is, for the purpose intended, at least equivalent to that prescribed in these regulations in quality, strength, effectiveness, fire resistance, durability and safety.

NOTE: Authority cited: Sections 12081, 13108, 13143, 13143.6, 13211, 17920.7, 17921 and 18897.3, Health and Safety Code. Reference: Sections 12000–12401, 13100–13146.5, 13210–13216, 17920.7, 17921 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Repealer and new section filed 2–7–75; effective thirtieth day thereafter (Register 75, No. 6).
2. Change without regulatory effect of NOTE filed 8–24–88 (Register 88, No. 36).

§ 2.02. Request for Alternate Means of Protection.

Request for approval to use an alternate material, assembly of materials, equipment, method of construction, method of installation of equipment, or means of protection shall be made in writing to the enforcing agency by the owner or his authorized representative and shall be accompanied by a full statement of the conditions. Sufficient evidence or proof shall be submitted to substantiate any claim that may be made regarding its conformance. The enforcing agency may require tests and the submission of a test report from an approved testing organization as set forth in Section 1.59 to substantiate the equivalency of the proposed alternate means of protection.

Approval of a request for use of an alternate material, assembly of materials, equipment, method of construction, method of installation of equipment, or means of protection made pursuant to these provisions shall be limited to the particular case covered by request and shall not be construed as establishing any precedent for any future request.

NOTE: Authority cited: Sections 12081, 13108, 13143, 13143.6, 13211, 17920.7, 17921 and 18897.3, Health and Safety Code. Reference: Sections 12000–12401, 13100–13146.5, 13210–13216, 17920.7, 17921 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Repealer and new section filed 2–7–75; effective thirtieth day thereafter (Register 75, No. 6).
2. Change without regulatory effect of NOTE filed 8–24–88 (Register 88, No. 36).

§ 2.03. Appeals.

When a request for an alternate means of protection has been denied by the enforcing agency, the applicant may file a written appeal to the State Fire Marshal for consideration of the applicant's proposal. In con-

sidering such appeal the State Fire Marshal may seek the advice of the State Board of Fire Services. The State Fire Marshal shall, after considering all of the facts presented, including any recommendation of the State Board of Fire Services, determine if the proposal is, for the purpose intended, at least equivalent to that specified in these regulations in quality, strength, effectiveness, fire-resistance, durability, and safety, and he shall transmit such findings and his recommendation to the applicant and to the enforcing agency.

NOTE: Authority cited: Sections 12081, 13108, 13143, 13143.6, 13211 and 18897.3, Health and Safety Code. Reference: Sections 12000–12401, 13100–13146.5, 13210–13216, 18897–18897.7, Health and Safety Code.

HISTORY

1. New section filed 2–7–75; effective thirtieth day thereafter (Register 75, No. 6).

§ 2.04. Appeals Relating to Application of These Regulations.

(a) When any person is affected by the application of nonbuilding regulations by the State Fire Marshal or his salaried assistants and such person believes that such regulations are being applied incorrectly, such person may appeal the decision of the State Fire Marshal to the State Board of Fire Services. The board shall not consider any such appeal unless the matter has come to the attention of the State Fire Marshal and he has rendered a decision in writing. Any appeal to the board shall be made by the affected person or his agent in writing in the form and manner prescribed by the board. The decision of the board shall be binding upon the State Fire Marshal. Any decision made by the board shall be for the instant case only and shall not be construed as setting precedent for general application.

(b) When any person is affected by the application of building regulations by the State Fire Marshal or his salaried assistants and such person believes that such regulations are being applied incorrectly, such person may appeal to the State Building Standards Commission pursuant to Chapter 5 (commencing with Section 18945) of Part 2.5, Health and Safety Code.

(c) When any local agency having authority to enforce these regulations and any person adversely affected by any regulation, rule, omission, interpretation, decision, or practice of such agency respecting building standards both wish to appeal the issue, then both parties may jointly appeal such condition to the State Building Standards Commission for resolution.

NOTE: Authority cited: Sections 12081, 13108, 13143, 13143.6, 13211, 17920.7, 17921 and 18897.3, Health and Safety Code. Reference: Sections 12000–12401, 13100–13146.5, 13210–13216, 17920.7, 17921 and 18897–18897.7, 18945, Health and Safety Code.

HISTORY

1. New section filed 2–7–75; effective thirtieth day thereafter (Register 75, No. 6).
2. Amendment filed 11–13–80; effective thirtieth day thereafter (Register 80, No. 46).
3. Change without regulatory effect of NOTE filed 8–24–88 (Register 88, No. 36).

§ 2.05. Code Interpretations.

Any person may request a code interpretation from the State Fire Marshal relative to the intent of any regulation or provision adopted by the State Fire Marshal. When the request relates to a specific project, occupancy or building, the State Fire Marshal shall review the issue with the appropriate local enforcing agency prior to rendering such code interpretation.

NOTE: Authority cited: Sections 13143, 13143.6, 13211, 17920.7 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5, 13210–13216, 17920.7, 17921 and 18897–18897.7, Health and Safety Code.

HISTORY

1. New section filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48).
2. Change without regulatory effect of NOTE filed 8–24–88 (Register 88, No. 36).

§ 2.06. Fire and Life Safety Building Standards Advisory Board.

(a) There is hereby established in the Office of the State Fire Marshal a Fire and Life Safety Building Standards Advisory Board consisting of twelve members.

(b) Members of the Board shall be appointed by the State Fire Marshal and they shall serve for a period of not more than four years or until their membership in their nominating organization has terminated, whichever is less.

(c) The State Fire Marshal or his authorized representative shall act as chairman of the board. The board shall annually elect a vice-chairman who shall act as chairman in the absence of the State Fire Marshal or his authorized representative.

(d) The board shall be composed of the following members:

(1) An architect from among not less than three nominees submitted by the California Council of the American Institute of Architects.

(2) A mechanical engineer.

(3) An electrical engineer.

(4) A fire protection engineer from not less than three nominees submitted jointly by the Southern and Northern California Chapters of the Society of Fire Protection Engineers.

(5) A licensed contractor.

(6) A building official from among not less than three nominees submitted by the California Building Officials.

(7) A building official from among not less than three nominees submitted by the County Building Officials Association of California.

(8) Three fire officials from among not less than nine nominees submitted by the California Fire Chiefs Association.

(9) Two general public members.

(e) The State Fire Marshal may appoint any person in the appropriate discipline to complete the unexpired term of any member who has for any reason terminated membership on the board.

(f) The board shall function without compensation and shall meet as determined by the State Fire Marshal, or upon written request of not less than three members of the board.

(g) Notice of all meetings shall be mailed to all persons requesting notification and such meetings shall be open to the public. Any person may make or second motions but only board members shall have voting rights. Failure to mail notice to any person as provided in this subsection shall not invalidate any action by the board pursuant to this section.

(h) Whenever the State Fire Marshal intends to adopt, amend or repeal a “building standard” as defined in Section 18909, Health and Safety Code, or whenever the State Fire Marshal is petitioned to adopt, amend or repeal a “building standard” as set forth in Section 11347, Government Code, the State Fire Marshal shall present such proposal to the board for review and recommendation. The State Fire Marshal may accept, reject or modify, in whole or in part, the proposal or the recommendation of the board provided that upon rejection or modification he shall advise the board and the proponent in writing as to the reasons for such rejection or modification.

EXCEPTION: Regulations adopted by the State Fire Marshal on an emergency basis as provided in Article 5, Chapter 3.5, Part 1, Division 3, Title 2 of the Government Code, in which case such regulations shall be submitted for review and processing in accordance with this section prior to the filing of a Certificate of Compliance.

NOTE: Authority cited: Section 18934, Health and Safety Code. Reference: Section 18934, Health and Safety Code.

HISTORY

1. New section filed 11–13–80; effective thirtieth day thereafter (Register 80, No. 46).
2. Change without regulatory effect of section heading, subsections (a), (d) and (e) filed 11–21–88 (Register 88, No. 48).
3. Change without regulatory effect of subsection (d)(1) (Register 89, No. 9).
4. Amendment filed 7–24–89; operative 8–23–89 (Register 89, No. 31).

§ 2.10. State Historical Building Code.

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer filed 11-27-79, effective thirtieth day thereafter (Register 79, No. 48).
For prior history, see 76, No. 41.

Article 3. General Provisions

§ 3.00. Basic Building Regulations.

(a) Every building or occupancy within the scope of these regulations (see Section 1.03) shall conform to the applicable provisions of Part 2, Title 24, CAC, which is hereby adopted by reference as the basic building regulations of the State Fire Marshal in matters relating to fire, panic and explosion safety.

(b) The following sections or chapters of the Uniform Building Code and Part 2, Title 24, CAC, are hereby identified as being enforceable under the adoption authority delegated by statute to the State Fire Marshal.

<i>Entire Chapter</i>		<i>Sections Only</i>	
2-1	2-34	1701	2-1737
2-4	2-36	1702	2-1738
2-5	2-37	1703	2-1739
2-6	2-38	1704	2-1740
2-7	2-39	1705	2-1741
2-8	2-40	1706	2-1742
2-9	2-42	1708	2-1743
2-10	2-43	1709	2-1744
2-10A	2-47	1710	2-1745
2-11	2-48	1714	2-1746
2-12	2-49	1715	2-1747
2-13	2-50	1716	2-2517 (f)
2-14	2-51	1717	2-1718
2-18	2-52	1718	2-1733
2-19	2-55	1733	2-1734
2-20	2-57	1734	2-1735
2-21	2-60	1735	2-1736
2-22	2-61	1736	
2-30	2-62		
2-32	2-67		
2-33	2-72		

NOTE: Where any section or subsection of the adopted reference code contains requirements relating to more than one safety factor, only those provisions relating to fire, panic or explosion safety shall be enforceable under the provisions of Section 3.00.

NOTE: Authority cited: Sections 13108, 13143, 13143.6, 13211 and 18897.3, Health and Safety Code. Reference: Sections 13100-13146.5, 13210-13216, 18897-18897.7, and 18944, Health and Safety Code.

HISTORY

1. Repealer of Article 3 (Sections 3.00-3.06) and new Article 3 (Sections 3.00-3.32) filed 11-27-79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Registers 76, No. 41; and 73, No. 34.
2. Amendment filed 11-13-80; effective thirtieth day thereafter (Register 80, No. 46).

§ 3.01. Basic Electrical Regulations.

Every building or occupancy within the scope of these regulations (see Section 1.03) shall conform to the applicable provisions of Part 3, Title 24, CAC, which is hereby adopted by reference as the basic electrical regulations of the State Fire Marshal in matters relating to fire, panic and explosion safety.

NOTE: Where any section or subsection of the adopted reference code contains requirements relating to more than one safety factor, only those provisions relating to fire, panic or explosion safety shall be enforceable under the provisions of Section 3.01.

NOTE: Authority cited: Sections 13108, 13143, 13143.6, 13211 and 18897.3, Health and Safety Code. Reference: Sections 13100-13146.5, 13210-13216 and 18897-18897.7, Health and Safety Code.

§ 3.02. Basic Mechanical Regulations.

(a) Every building or occupancy within the scope of these regulations (see Section 1.03) shall conform to the applicable provisions of Part 4, Title 24, CAC, which is hereby adopted by reference as the basic mechanical regulations of the State Fire Marshal in matters relating to fire, panic, and explosion safety.

(b) The following sections or chapters of Part 4, Title 24, CAC, are hereby identified as being enforceable under the adoption authority delegated by statute to the State Fire Marshal.

Entire Chapter

4-5	4-13
4-6	4-14
4-7	4-15
4-8	4-16
4-9	4-17
4-10	4-18
4-11	4-19
4-12	4-20

Sections Only

4-1
4-4

NOTE: Where any section or subsection of the adopted reference code contains requirements relating to more than one safety factor, only those provisions relating to fire, panic or explosion safety shall be enforceable under the provisions of Section 3.02.

NOTE: Authority cited: Sections 13108, 13143, 13143.6, 13211 and 18897.3, Health and Safety Code. Reference: Sections 13100-13146.5, 13210-13216, 18897-18897.7, and 18944, Health and Safety Code.

HISTORY

1. Amendment filed 11-13-80; effective thirtieth day thereafter (Register 80, No. 46).

§ 3.03. Basic Plumbing Regulations.

Every building or occupancy within the scope of these regulations (see Section 1.03) shall conform to the applicable provisions of Part 5, Title 24, CAC, which is hereby adopted by reference as the basic plumbing regulations of the State Fire Marshal in matters relating to fire, panic and explosion safety.

NOTE: Where any section or subsection of the adopted reference code contains requirements relating to more than one safety factor, only those provisions relating to fire, panic, or explosion safety shall be enforceable under the provisions of Section 3.03.

NOTE: Authority cited: Sections 13108, 13143, 13143.6, 13211 and 18897.3, Health and Safety Code. Reference: Sections 13100-13146.5, 13210-13216 and 18897-18897.7, Health and Safety Code.

§ 3.04. State Historical Building Code.

(a) Part 8, Title 24, CAC, is hereby adopted by reference as the State Historical Building Code of the State Fire Marshal in matters relating to fire, panic and explosion safety and the applicable provisions of these regulations as determined appropriate by the enforcing agency.

Entire Chapter

8-3
8-7
8-8

Sections Only

8-100	8-407
8-103	8-408
8-104	8-600
8-105	8-603
8-106	8-605 (a)
8-107	8-605 (c)
8-200	8-605 (d)
8-201	8-605 (e)
8-400	8-605 (f)
8-401	8-605 (g)
8-402	8-605 (h)
8-403	8-605 (i)
8-404	8-607
8-405	8-1000
8-406	8-1002

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18944 and 18950-18960, Health and Safety Code.

HISTORY

1. Amendment filed 11-13-80; effective thirtieth day thereafter (Register 80, No. 46).

§ 3.05. Fire Department Access and Egress.

(a) Roads. Required access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) right-of-way not less than 20 feet in width. Such right-of-way shall be unobstructed and maintained only as access to the public street.

EXCEPTION: The enforcing agency may waive or modify this requirement if in his opinion such all-weather hard-surfaced condition is not necessary in the interest of public safety and welfare.

(b) Roofs. No person shall install or maintain any security barrier such as barbed wire fencing, razor wire fencing, chain link fencing, or any other fencing material, cable, aerial, antenna, or other obstruction on the roof of any commercial establishment in such a manner as to obstruct or render egress or access hazardous in the event of fire or other emergency.

EXCEPTION: Guy wire, rods and aerial antenna masts may be attached to a roof structure having a slope of less than 30 degrees provided there is full clearance of seven feet or more between the roof and said obstruction. Guy wire or rods required to support aerial or antenna masts may be attached to a roof structure a lateral distance from the mast not in excess of one-sixth the height of the mast.

NOTE: Authority cited: Sections 13108, 13108.6, 13143, 13143.6, 13211, 17920.7, 17921 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5, 13210–13216, 17920.7, 17921 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Amendment filed 6–18–86; effective thirtieth day thereafter (Register 86, No. 25).
2. Change without regulatory effect of NOTE filed 8–24–88 (Register 88, No. 36).

§ 3.06. Bonding of Chairs and Spacing of Tables.

(a) Bonding of Chairs. In every Group A and Group E Occupancy, all loose seats, folding chairs, or similar seating facilities that are not fixed to the floor shall be bonded together in groups of not less than 3.

EXCEPTIONS:

- (1) When not more than 299 such seats, chairs, or facilities are provided, bonding thereof may be deleted.
- (2) The bonding of chairs shall not be required when tables are provided as when the occupancy is used for dining or similar purposes.
- (3) Upon approval of the enforcing agency, the bonding of chairs shall not be required when the placement and location of such chairs do not obstruct any required exit or any line of egress toward required exits and do not constitute a fire hazard as defined in Section 3.14.

(b) Spacing of Tables. In occupancies having rectangular conference or banquet type tables, such tables shall be placed not less than 54 inches apart and not less than 36 inches from walls.

NOTE: Authority cited: Sections 13108, 13143, 13143.6, 13211 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5, 13210–13216 and 18897–18897.7, Health and Safety Code.

§ 3.07. Clearances.

(a) General. No combustible material shall be placed or stored within 10 feet of any building or structure.

(b) Ground Clearance. The space surrounding every building or structure shall be maintained in accordance with the following:

Any person that owns, leases, controls, operates, or maintains any building or structure in, upon, or adjoining any mountainous area or forest-covered lands, brush covered lands, or grass-covered lands, or any land which is covered with flammable material, shall at all times do all of the following:

(1) Maintain around and adjacent to such building or structure a firebreak made by removing and clearing away, for a distance of not less than 30 feet on each side thereof or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This section does not apply to single specimens of trees, ornamental shrubbery, or similar plants which are used as ground cover, if they do not form a means of rapidly transmitting fire from the native growth to any building or structure.

(2) Maintain around and adjacent to any such building or structure additional fire protection or firebreak made by removing all bush, flammable vegetation, or combustible growth which is located from 30 feet to 100 feet from such building or structure or to the property line, whichever is nearer, as may be required by the enforcing agency if he finds that, because of extra hazardous conditions, a firebreak of only 30 feet around such building or structure is not sufficient to provide reasonable fire safety. Grass and other vegetation located more than 30 feet from such building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion.

(3) Remove that portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe.

(4) Cut and remove all dead or dying portions of trees located adjacent to or overhanging any building.

(5) Maintain the roof of any structure free of leaves, needles, or other dead vegetative growth.

(6) Provide and maintain at all times a screen over the outlet of every chimney or stovepipe that is attached to any fireplace, stove, or other device that burns any solid or liquid fuel. The screen shall be constructed of nonflammable material with openings of not more than 1/2 inch in size.

NOTE: Authority cited: Sections 13108, 13143, 13143.6, 13211, 17920.7, 17921 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5, 13210–13216, 17920.7, 17921 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Change without regulatory effect of NOTE filed 8–24–88 (Register 88, No. 36).

§ 3.08. Decorative Materials.

In every Group A, E, I, R–1, R–2 and R–6 Occupancies all drapes, hangings, curtains, drops, and all other decorative material, including Christmas trees, that would tend to increase the fire and panic hazard shall be made from a nonflammable material, or shall be treated and maintained in a flame-retardant condition by means of a flame-retardant solution or process approved by the State Fire Marshal, as set forth in Subchapter 8, Chapter 1, Title 19, CAC. Exits, exit lights, fire alarm sending stations, wet standpipe hose cabinets, and fire extinguisher locations shall not be concealed, in whole or in part, by any decorative material.

EXCEPTIONS:

- (a) Cubical curtains and individual patient room window curtains and drapes in Group I, R–2 and R–6 Occupancies.
- (b) Window curtains and drapes within dwelling units of Group R, Division 1 Occupancies.
- (c) Christmas trees within dwelling units of Group R, Division 1 Occupancies.

NOTE: Authority cited: Sections 13108, 13143, 13143.6, 13211 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5, 13210–13216 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Change without regulatory effect amending section filed 2–25–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 9).

§ 3.09. Emergency Planning and Information.

(a) All office buildings 2 or more stories in height (except highrise buildings as defined by Health and Safety Code Section 13210).

(1) Owner(s) or operator(s) shall employ either one of the following methods of providing emergency procedures and information to the building occupants:

(A) Emergency procedures information published in the form of a leaflet, brochure, or pamphlet shall be available to all persons entering the building. Emergency procedures information shall be located immediately inside all entrances to the building, as determined by the authority having jurisdiction. Locations shall be clearly marked; or,

(B) A floor plan providing emergency procedures information shall be posted at every stairway landing, at every elevator landing, and immediately inside all public entrances to the building. The information shall be posted so that it describes the represented floor level and can be easily seen immediately upon entering the floor level or the building. Emergency procedures information shall be printed with a minimum of 3/16–inch high non–decorative lettering providing a sharp contrast to the background.

(2) Emergency procedures information shall provide all ambulatory, nonambulatory, and the physically disabled, instructions to be followed in the event of an emergency. Emergency procedures information shall include, but not be limited to the following:

- (A) Location of exits and fire alarm initiating stations, if required;
 - (B) what the fire alarm, if required, sounds and looks like (audible and visual warning devices);
 - (C) fire department emergency telephone number 911; and,
 - (D) the prohibition of elevator use during emergencies, if any.
- (b) Hotels, Motels and Lodging houses.

(1) Every guestroom available for rental in a hotel, motel, or lodging house shall have clearly visible emergency procedures information printed on a floor plan representative of the floor level and posted on the interior of each entrance door or immediately adjacent to such door. The owner/operator of a hotel, motel, or lodging house may, in lieu of posting emergency procedures information in each guestroom, provide such information through the use of leaflets, brochures, pamphlets, videotapes, or any other method as approved by the authority having jurisdiction. Oral communication in itself does not fulfill the intent of this section. However, oral communication can be incorporated as a part of the transfer of emergency procedures information. When emergency procedures information signage is posted on the interior of the guestroom entrance door, the bottom of the information shall not be located more than 4–feet

above the floor level. Visually impaired persons shall receive instructions of a type they will understand, for example: taping of instructions, instructions in braille, or other appropriate methods.

(2) Each method of providing information shall include, but not be limited to that described in subsection (a)(2)(A–D).

(3) Hotels, motels, and lodging houses shall maintain at the registration desk a list noting the guestrooms assigned to guests with disabilities when such guests have indicated that they have special emergency evacuation requirements. The innkeeper shall, at the innkeeper's option, do one of the following: (1) provide a place on the registration form for physically disabled guests who have such requirements to so identify themselves; (2) provide a notice on the room key jacket advising guests with disabilities who have special emergency evacuation requirements to so notify the front desk; or (3) utilize such other means for allowing such guests with disabilities to so identify themselves as may be approved by the authority having jurisdiction.

(c) Hotels, motels, lodging houses, highrise office buildings, and Group I, Division 1 and 2 occupancies as defined in the State Building Code (except honor farms and conservation camps).

(1) Emergency procedures information printed on a floor plan shall be posted at every stairway landing, at every elevator landing, and immediately inside all public entrances to the building. The information shall be representative of the floor level and be posted so that the bottom edge of such information is not located more than 4-feet above the floor, where it can be easily identified. Emergency procedures information shall be printed with a minimum of 3/16-inch non-decorative lettering providing a sharp contrast to the background.

(2) Emergency procedures information shall include, but not be limited to that described in subsection (a)(2)(A–D).

(d) Owner(s) and operator(s) of hotels, motels, lodging houses, highrise office buildings, and Group I, Division 1 and 2 occupancies as defined in the State Building Code (except honor farms and conservation camps) shall appoint a Fire Safety Director, who shall:

(1) Report to owner(s) or operator(s);

(2) coordinate fire safety activities of the facility with the authority having jurisdiction;

(3) conduct, or cause to be conducted, all training as described in subsection (e), for all building employees and maintain records of dates, subjects, and attendance of each training session; and,

(4) develop and maintain a written facility emergency plan acceptable to the authority having jurisdiction. Upon request, the facility emergency plan shall be made physically available at the respective facility to the authority having jurisdiction. Facility emergency plans shall include, but not be limited to the following:

(A) Fire department emergency telephone number 911;

(B) other emergency response telephone numbers;

(C) evacuation or relocation plan for the building occupants;

(D) duties of the Fire Safety Director and other designated emergency personnel;

(E) building employee responsibilities in case of emergency, including individual assignment and reporting responsibilities; and,

(F) procedures to identify and assist the non-ambulatory and physically disabled.

(5) assure that the requirements of subsection (d)(4)(F), procedures to identify and assist the non-ambulatory and physically disabled are accomplished as follows:

(A) Hotels, motels, and lodging houses shall comply with subsection (b)(3);

(B) owner(s) or operator(s) of highrise office buildings shall maintain a list of all permanent building tenants who have disabilities. Building owner(s) or operator(s) shall be notified in writing by those who have disabilities. Information provided in the list shall include any special emergency evacuation needs and permanent work location of such physically disabled persons. The list shall be located in the building manager's office;

(C)(3) Group I, Division 1 and 2 occupancies as defined in the State Building Code (except honor farms and conservation camps) shall comply with normal hospital policies of assisting patients and guests during an emergency evacuation.

(e) Hotels, motels, lodging houses, and highrise office buildings shall conduct annually, emergency procedures training for individuals listed in subsection (d)(3). Group I, Division 1 and 2 occupancies as defined in the State Building Code (except honor farms and conservation camps) shall conduct quarterly fire emergency training for individuals listed in subsection (d)(3).

(1) Fire Safety Directors and their designated emergency personnel shall receive training in the identification and use of facility fire safety equipment, communication procedures, people movement procedures, fire prevention practices, and their duties outlined in their respective emergency plan. The training curriculum shall be approved by, and made available to the authority having jurisdiction.

(2) Individuals designated in subsection (d)(3) shall receive training covering the identification and use of facility fire safety equipment, fire prevention practices, and appropriate procedures to follow in the event of a fire.

(3) Actual evacuation or relocation of building occupants pursuant to procedures contained in the emergency plan shall be conducted at least annually by those individuals designated in subsection (d)(3). Appropriate records, including dates, floors or building involved, and persons conducting evacuation or relocation procedures shall be maintained and made immediately available to the authority having jurisdiction upon their request. The authority having jurisdiction shall be notified not less than 48 hours in advance of such planned evacuation or relocation.

EXCEPTION: In hotels, motels, lodging houses, and Group I, Division 1 and 2 occupancies as defined in the State Building Code, guests and patients are not required to participate in evacuation or relocation of the building. In hotels, motels, lodging houses, Group I, Division 1 and 2 occupancies as defined in the State Building Code, and highrise office buildings, on-duty personnel who have security or maintenance related responsibilities, and designated management personnel approved by the fire authority having jurisdiction shall not be required to participate in any drill but, they shall provide an alternate method approved by the authority having jurisdiction to measure their knowledge of their respective duties pursuant to the emergency plan.

(f) Emergency procedures signage posted prior to the effective date of these regulations may be continued in use until one year after such effective date of these regulations.

NOTE: Authority cited: Sections 13100, 13108, 13211, 13220, 13221, 13143, 13143.6 and 17921, Health and Safety Code. Reference: Sections 13100, 13108, 13211, 13220, 13221, 13143, 13143.6 and 17921, Health and Safety Code.

HISTORY

1. Repealer and new section filed 3–12–90; operative 4–11–90 (Register 90, No. 11). For prior history, see Register 88, No. 36.
2. Amendment of subsection (b)(3) and NOTE filed 9–4–96; operative 10–4–96 (Register 96, No. 36).

§ 3.10. Evacuation of Buildings.

Upon notification of fire, conduct of any fire drill, upon activation of the fire alarm, or upon orders of the fire authority having jurisdiction, buildings or structures within the scope of these regulations shall be immediately evacuated or occupants shall be relocated in accordance with established plans.

NOTE: Authority cited: Sections 13108, 13143, 13143.6, 13211 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5, 13210–13216 and 18897–18897.7, Health and Safety Code.

§ 3.11. Exits, Aisles, Ramps, Corridors and Passageways.

(a) No person shall install, place or permit the installation or placement of any bed, chair, equipment, concession, turnstile, ticket office or anything whatsoever, in any manner which would block or obstruct the required width of any exit.

(b) No person shall install, place or permit the installation or placement of any combustible material or equipment in or exposed to any exit.

EXCEPTIONS:

- (1) Furniture or equipment constructed of wood or other material of similar combustibility may be permitted in an exit or exposed to an exit when approved by the enforcing agency.
- (2) When approved by the enforcing agency, combustible materials may be permitted in exit foyers and lobbies.
- (c) No person shall install, place or permit the installation or placement of any storage material of any kind in any exit regardless of the required width of such exit.

EXCEPTION: Personal material located in metal lockers in Groups B and E Occupancies as defined in Part 2, Title 24, CCR.

- (d) Aisles shall not be occupied by any person for whom seating is not available.

NOTE: Authority cited: Sections 13108, 13143, 13143.6, 13211, 17920.7, 17921 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5, 13210–13216, 17920.7, 17921 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Change with regulatory effect of NOTE filed 8–24–88 (Register 88, No. 36).
2. New subsections (e)–(e)(9) filed 5–26–2005 as an emergency; operative 5–26–2005 (Register 2005, No. 21). A Certificate of Compliance must be transmitted to OAL by 9–23–2005 or emergency language will be repealed by operation of law on the following day.
3. Reinstatement of section as it existed prior to 5–26–2005 emergency amendment by operation of Government Code section 11346.1(f) (Register 2006, No. 9).

§ 3.12. Fire Alarm.

Every organized camp shall provide and maintain a device or devices suitable for sounding a fire alarm. Such device or devices may be of any type acceptable to the enforcing agency provided they are distinctive in tone from all other signaling devices or systems and shall be audible throughout the camp premises.

When an automatic heat or smoke activated fire alarm system is provided, all signaling devices as required by this section shall be of the same type as that used in the automatic system.

NOTE: Authority cited: Section 18897.3, Health and Safety Code. Reference: Sections 18897–18897.7, Health and Safety Code.

§ 3.13. Fire Drills.

- (a) Group E Occupancies.

(1) General. Every person and public officer managing, controlling, or in charge of any public, private, or parochial school shall cause the fire alarm signal to be sounded upon the discovery of fire. Every person and public officer managing, controlling, or in charge of any public, private, or parochial school, other than a two-year community college, shall cause the fire alarm signal to be sounded not less than once every calendar month at the elementary and intermediate levels, and not less than twice yearly at the secondary level, in the manner prescribed in Section 2–809, Part 2, Title 24, CAC, except that when a fire alarm system having a distinctive tone, and which is used for no other purpose, is installed, the manner of sounding such alarm shall not be subject to the provisions of Section 2–809 (c), Part 2, Title 24, CAC.

A fire drill shall be held at the secondary level not less than twice every school year.

(2) Emergency Pre–Fire Planning. Each school principal, district superintendent or day nursery manager shall, in cooperation with the enforcing agency, prepare procedures to be followed in case of fire or other emergency. They should include the following:

(A) Posting of the telephone number of the fire department in the office and/or at the main switchboard.

(B) Assignment of a responsible person to call the fire department upon notification of any fire or activation of the alarm system for any reason other than fire drills.

(C) Posting in a conspicuous place in each classroom or assembly area a plan showing paths of travel to evacuate the room in case of emergency and including an alternate route.

(D) Posting in each classroom instructions to be followed by the teacher. These should include:

1. Maintaining of order during evacuation.

2. Removal of roll call book and calling of roll when designated evacuation area is reached.

(b) College and University Pre–Fire Planning. The Chancellor, President, or his designated representative, shall, in cooperation with the enforcing agency, propose procedures to be followed in case of fire or other emergency in accordance with the provisions of Section 3.13 (a)(2).

- (c) Organized Camps.

(1) Every organized camp shall institute fire training programs for all employees in the use of all fire extinguishing equipment and methods of evacuation, and shall establish procedures which shall, as far as possible, be followed in the event of fire or any other emergency. If located in a forest area a plan shall be prepared for the evacuation of the camp in case of an approaching forest fire or other emergency.

(2) Within 24 hours after arrival, every group of persons attending an organized camp shall be made familiar with the method by which the fire alarm may be activated and with the procedures to be followed upon notification of fire.

(3) At least 1 fire drill shall be held within 24 hours of the commencement of each camping session. Additional drills shall be conducted at least once each week thereafter. When sessions exceed a 7 day period, at least 1 drill shall be held during night–time sleeping hours.

NOTE: Authority cited: Sections 13108, 13143, 13143.6, 13211 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5, 13210–13216 and 18897–18897.7, Health and Safety Code.

§ 3.14. Fire Hazard.

No person, including but not limited to the State and its political subdivisions, operating any occupancy subject to these regulations shall permit any fire hazard, as defined in this article, to exist on premises under their control, or fail to take immediate action to abate a fire hazard when requested to do so by the enforcing agency.

NOTE: “Fire Hazard” as used in these regulations means any condition, arrangement, or act which will increase, or may cause an increase of, the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire; or which may obstruct, delay, or hinder, or may become the cause of obstruction, delay or hindrance to the prevention, suppression, or extinguishment of fire.

NOTE: Authority cited: Sections 13108, 13143, 13143.6, 13211, 17920.7, 17921 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5, 13210–13216, 17920.7, 17921 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Change without regulatory effect of NOTE filed 8–24–88 (Register 88, No. 36).

§ 3.15. Flammable and Combustible Liquids.

Flammable and combustible liquids shall not be placed, stored or handled in any occupancy within the scope of these regulations except as provided in the Uniform Fire Code.

NOTE: Authority cited: Sections 13108, 13143, 13143.6, 13211, 17920.7, 17921 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5, 13210–13216, 17920.7, 17921 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Change without regulatory effect of NOTE filed 8–24–88 (Register 88, No. 36).

§ 3.16. Gate Entrances to School Grounds.

Every public and private school shall conform with Section 12081 of the Education Code which reads:

“The governing board of every public school district, and the governing authority of every private school, which maintains any building used for the instruction or housing of school pupils on land entirely enclosed (except for building walls) by fences or walls, shall, through cooperation with the local law enforcement and fire protection agencies having jurisdiction of the area, make provision for the erection of gates in such fences or walls. The gates shall be of sufficient size to permit the entrances of the ambulances, police equipment, and fire fighting apparatus, used by the law enforcement and fire protection agencies. There shall be no less than one such access gate and there shall be as many such gates as needed to assure access to all major building and ground areas. If such gates are to be equipped with locks, the locking devices shall be designed to permit ready entrance by the use of the chain or bolt cutting devices with which the local law enforcement and fire protection agencies may be equipped.”

NOTE: Authority cited: Sections 13108, 13143, 13211 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5, 13210–13216 and 18897–18897.7, Health and Safety Code.

§ 3.17. Guards for Heating Appliances.

Every heating appliance in any occupancy governed by these regulations which does not have protective features incorporated in its design, shall be provided with guards that will provide protection against ignition of clothing and other combustible material.

(a) Appliances employing open flame radiated heat shall have fixed and substantially constructed metallic guards located not less than ten inches (10") from the radiating flame and the guard members shall be spaced not more than two inches (2") apart.

(b) Cabinet type appliances that are not provided with an inner combustion chamber and an air circulating space between the combustion chamber and the outer shell, shall have fixed and substantially constructed metallic guards located not less than 3 inches from the shell and spaced not more than 2 inches apart.

NOTE: Authority cited: Sections 13108, 13143, 13143.6, 13211, 17920.7, 17921 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5, 13210–13216, 17920.7, 17921 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Change without regulatory effect of NOTE filed 8–24–88 (Register 88, No. 36).

§ 3.18. Hazardous Areas.

(a) General. Occupancies or portions thereof used or intended to be used as operating rooms, surgeries, delivery rooms, storage rooms and similar hazardous locations in which flammable or nonflammable mixtures of gases are used or stored shall be maintained in accordance with the provisions of NFPA 56A–1973 Inhalation Anesthetics, NFPA 56C–1973 Laboratories NFPA 56D–1976 Hyperbaric Facilities, NFPA 50–1974 Bulk Oxygen Systems at Consumer Sites, and this section.

(b) Containers. Cylinders and fittings for compressed gases shall conform to the regulations of the Federal Department of Transportation.

Compressed gas cylinders shall be clearly marked with the name of the gas contained therein. Cylinders shall bear color markings and labels conforming to the following:

Gas	Color
(1) Oxygen	Green
(2) Carbon Dioxide	Gray
(3) Nitrous Oxide	Light Blue
(4) Cyclopropane	Orange
(5) Helium	Brown
(6) Ethlene	Red
(7) Carbon Dioxide and Oxygen	Gray and Green
(8) Helium and Oxygen	Brown and Green

NOTE: Polished metal or chrome-plated cylinders shall have color tags in addition to color labels.

When deemed necessary by the enforcing agency compressed gas cylinders shall be secured by chains, metal straps, or other approved materials to prevent overturning.

NOTE: Authority cited: Sections 13108, 13143, 13143.6, 13211 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5, 13210–13216 and 18897–18897.7, Health and Safety Code.

§ 3.19. Housekeeping.

Every building or portion of a building governed by these regulations shall be maintained in a neat orderly manner, free from any condition that would create a fire or life hazard or a condition which would add to or contribute to the rapid spread of fire. Provisions shall be made for the proper storage and disposal of waste materials and rubbish consistent with the following:

(a) All basements, cellars, floors, closets, attics, and other similar places not open to continuous observation shall be kept free from combustible litter and rubbish at all times.

NOTE: Such storage may be permitted in these areas only when protected by approved automatic extinguishing systems or fire-resistive separations.

(b) All combustible waste material and rubbish shall be stored in approved containers or shall be stored in a manner approved by the enforcing agency as being consistent with standard fire prevention practices un-

til such waste material and rubbish is removed from the premises or otherwise disposed of in a proper manner. Nonmetallic rubbish containers with a capacity of less than 30 gallons shall be manufactured of materials tested in accordance with and shall comply with U.L. Standard 242 "Nonmetallic Containers for Waste Paper" (Rev. 3–93) which is incorporated by reference. Nonmetallic rubbish containers with a capacity of 30 gallons or more shall be manufactured of materials having a peak rate of heat release not exceeding 300 kW/m² that meet ASTM Standard 1354–90a, "Standard Test Method for Heat and Visible Smoke Release for Materials and Products Using an Oxygen Consumption Calorimeter" (Rev. 8–91) which is incorporated by reference. Such containers shall be equipped with an integrated self-closing lid and be permanently labeled indicating capacity and peak rate of heat release.

(c) Approved self-closing metal containers shall be provided and maintained in all rooms or locations where oily rags, oily waste, paint rags, or similar materials subject to spontaneous ignition are used, or are stored temporarily. Such containers shall be emptied daily.

(d) Ashes shall not be placed in, on, or near combustible material, but shall be placed in approved metal containers, until removed from the premises or otherwise properly disposed of.

(e) No dry vegetation shall be permitted to exist within 20 feet of any building or occupancies subject to these regulations.

(f) Except when permitted by the enforcing agency, boiler rooms, mechanical rooms, transformer and switchgear vaults and electrical panel rooms, shall not be used for storage.

(g) Electric motors, filters on heating equipment, and grease hoods shall be checked periodically and kept clean and maintained in a safe operating condition.

NOTE: Authority cited: Sections 13108, 13143, 13143.6, 13211, 17920.7, 17921 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5, 13210–13216, 17920.7, 17921 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Change without regulatory effect of NOTE filed 8–24–88 (Register 88, No. 36).

2. Amendment of subsection (b) filed 10–28–2004; operative 11–27–2004 (Register 2004, No. 44).

§ 3.20. Incinerators.

Unless other approved means are provided for the prompt disposal of rubbish, an approved incinerator shall be provided and maintained for the disposal of combustible waste. Incinerators shall be constructed, located, and maintained in such manner that waste material can be safely burned at any hour of the day, where local ordinances permit.

Fuel-fired and garbage burning incinerators shall be constructed and maintained in conformance with NFPA 82–1977 Incinerators, Waste and Linen Handling Systems and Equipment or U.L. 791–1967, whichever is applicable.

NOTE: Authority cited Sections 13108, 13143, 13143.6, 13211, 17920.7, 17921 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5, 13210–13216, 17920.7, 17921 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Change without regulatory effect of NOTE filed 8–24–88 (Register 88, No. 36).

§ 3.21. Interior Finish of Decorative Material.

(a) Unframed Rigid Combustible Decorative Material. Rigid combustible decorative material and assemblies of materials not more than 1/4 inch in thickness used for folding doors, room dividers, decorative screens and similar applications, which do not create concealed spaces and which are installed with exposed edges, shall be flame resistant in accordance with the following:

(1) Test specimen shall be 12 inches wide and 24 inches long. Four specimens shall be tested, two in each direction of the material.

(2) The specimen shall be suspended vertically with its lower edge 2 inches above the top of a 3/8 inch diameter Bunsen Burner. The test shall be performed in a draft-free area.

(3) The flames from the burner shall be 4 inches long and shall be adjusted with sufficient air supply to eliminate any yellow flame tips but without any distinct inner blue cone.

(4) The specimen shall be exposed to the flame at each corner and at not less than one other point along the lower edge. Each exposure shall

be of sufficient duration to determine if the material will ignite and continue to burn, but shall be not less than 20 seconds.

(5) The criteria for acceptance shall be as follows:

(A) There shall be not more than intermittent flaming appreciably beyond the area exposed to the test flame.

(B) No flame shall reach the top of the specimen.

(C) On removing the test flame there shall be not more than one second of after flaming except there may be nonprogressive flaming of short duration in areas of accumulated char which were directly exposed to the test flame.

(b) **Framed Rigid Combustible Decorative Material.** Rigid combustible decorative material and assemblies of materials not more than 1/4 inch in thickness used for folding doors, room dividers, decorative screens and similar applications, and which are installed with all edges protected, shall conform to the following:

(1) All exposed edges shall be protected with frames of metal or other noncombustible material, or solid wood of minimum 1/4 inch dimension.

(2) The total square foot area of the material shall not exceed ten percent of that of the floor area of the room in which the material is installed.

(3) When tested as follows, no flames shall reach the top edge of the specimen.

The test shall be conducted in a draft free area, on a specimen of the material 12 inches by 12 inches suspended at a 45 degree angle from the horizontal with the upper and lower edges in a horizontal plane. The test flame shall be 3 inches long from a Bunsen Burner of approximately 1/2 inch inside diameter with the air supply completely shut off. The burner shall be so positioned so that its top is 1 inch vertically below a point on the lower surface of the test specimen, 1 inch up from its lower horizontal edge, and mid-way between the inclined edges. The exposure to the test flame and the duration of test shall be for a period of 2 minutes.

NOTE: Authority cited: Sections 13108, 13143, 13143.6, 13211 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5, 13210–13216 and 18897–18897.7, Health and Safety Code.

§ 3.22. Liquefied Petroleum Gas.

(a) When liquefied petroleum gas is used, the storage and handling thereof shall conform to the appropriate provisions referenced in Sections 3.02 and 3.03.

(b) All liquefied petroleum gas tanks located in school yards shall be surrounded by a rugged steel fence or equivalent. Tanks in other occupancies shall also be so protected if in the opinion of the enforcement agency such protection is needed to prevent unauthorized tampering. The fence shall be at least 6 feet in height and, if it completely surrounds the tank, shall be located a minimum of 3 feet from the tanks. Fenced areas shall be locked when unattended.

(c) Section 475, Title 8, California Code of Regulations, is hereby adopted as a part of these regulations.

NOTE: Authority cited: Sections 13108, 13143, 13143.6, 13211, 17920.7, 17921 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5, 13210–13216, 17920.7, 17921 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Change without regulatory effect of subsection (c) and NOTE filed 8–24–88 (Register 88, No. 36).

§ 3.23. Nonambulatory Housing in Group R–2 and R–6 Occupancies.

Nonambulatory persons in Group R–2 and R–6 Occupancies shall not be housed above the first floor unless the building is of Type I.F.R. or Type II F.R. construction.

NOTE: Authority cited: Sections 13108, 13143, 13143.6, and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Change without regulatory effect amending section heading and section filed 2–25–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 9).

§ 3.24. Maintenance of Equipment.

All fire alarm systems, fire detection systems, automatic sprinkler or extinguishing systems, communication systems, and all other equipment, material or systems required by these regulations shall be maintained in an operable condition at all times. Upon disruption or diminishment of the fire protective qualities of such equipment, material or systems, immediate action shall be instituted to effect a reestablishment of such equipment material or systems to their original normal and operational condition.

NOTE: Authority cited: Sections 13108, 13143, 13143.6, 13211, 17920.7, 17921 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5, 13210–13216, 17920.7, 17921 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Change without regulatory effect of NOTE filed 8–24–88 (Register 88, No. 36).

§ 3.25. Open Flame Devices.

(a) Open flame devices shall be prohibited in every Group A, E, I, R–2 and R–6 Occupancy.

EXCEPTIONS:

(1) Fuel burning elements of approved appliances shall not be considered as open flame devices.

(2) Upon approval of the enforcing agency, open flame devices may be used under the following conditions.

(A) When necessary for ceremonial or theatrical purposes under such restrictions as may be deemed necessary to avoid danger of ignition of combustible materials or injury to occupants.

(B) In approved and stable candle holders on individual tables of dining establishments.

(b) Under no circumstances shall hand held open flame devices such as exposed candles be permitted for any purpose in any occupancy within the scope of these regulations.

NOTE: Authority cited: Sections 13108, 13143, 13143.6, 13211 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5, 13210–13216 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Change without regulatory effect amending subsection (a) filed 2–25–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 9).

§ 3.26. Operators Statement—Group I, R–2 and R–6 Occupancies.

Every person, firm or corporation maintaining or operating any Group I or Group R–2 or R–6 Occupancy shall provide an operators statement in accordance with Section 13132 of the Health and Safety Code which reads as follows:

“13132. Every person, firm or corporation maintaining or operating any facility for the care of the mentally handicapped shall file a statement with the fire authority having jurisdiction within five days of the admission or readmission of a patient stating that such patient is an ambulatory or a nonambulatory person and enumerating the reasons for such classification. Such a statement shall also be filed for each existing patient within 30 days of the effective date of this section.

Any statement required to be filed pursuant to this section shall be certified as to its correctness by the person attending such patient.

It shall be unlawful for any person, firm, or corporation required to file a statement pursuant to this section to include false statements therein. Any such act shall be in violation of this section and subject to the provisions of Section 13112.”

NOTE: Authority cited: Sections 13108, 13143, 13143.6, 13211 and 18897–18897.7, Health and Safety Code. Reference: Sections 13100–13146.5, 13210–13216 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Change without regulatory effect amending section heading and first paragraph filed 2–25–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 9).

§ 3.27. Overcrowding.

The number of occupants of any building, structure, or portion thereof, shall not exceed the permitted or posted capacity.

NOTE: Authority cited: Sections 13108, 13143, 13143.6, 13211 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5, 13210–13216 and 18897–18897.7, Health and Safety Code.

§ 3.28. Plans and Specifications.

(a) General. When plans and specifications are reviewed and approved by the State Fire Marshal such plans and specifications shall bear the stamp of approval of the State Fire Marshal and shall be available at the site of construction for review by the enforcing agency.

(b) Public Schools. Plans and specifications for the construction, alteration or addition to any building owned, leased or rented by any public school district shall be submitted to the State Fire Marshal for review and approval.

EXCEPTIONS:

- (1) Plans and specifications submitted to the Office of the State Architect and which are reviewed by the State Fire Marshal.
- (2) Upon the annual submission of a written request by the chief of any city, county or city and county fire department or fire protection district to the State Fire Mar-

[The next page is 11.]



shal, approvals required by this subsection shall be obtained from the appropriate chief or his authorized representative. In such instances plans and specifications may be submitted to the State Fire Marshal for relay to the appropriate local authority or may be submitted directly to such local authority.

(c) Movable Walls and Partitions. Plans or diagrams shall be submitted to the enforcing agency for approval before the installation of, or rearrangement of, any movable wall or partition in any occupancy. Approval shall be granted only if there is no increase in the fire hazard as defined in Section 3.14.

(d) New Construction High-Rise Buildings.

(1) Complete plans or specifications, or both, shall be prepared covering all work required to comply with new construction high-rise buildings. Such plans and specifications shall be submitted to the enforcing agency having jurisdiction.

(2) All plans and specifications shall be prepared under the responsible charge of an architect or a civil or structural engineer authorized by law to develop construction plans and specifications, or by both such architect and engineer. Plans and specifications shall be prepared by an engineer duly qualified in that branch of engineering necessary to perform such services. Administration of the work of construction shall be under the charge of the responsible architect or engineer except that where plans and specifications involve alterations or repairs, such work of construction may be administered by an engineer duly qualified to perform such services and holding a valid certificate under Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code for performance of services in that branch of engineering in which said plans, specifications and estimates and work of construction are applicable.

This section shall not be construed as preventing the design of fire extinguishing systems by persons holding a C-16 license issued pursuant to Division 3, Chapter 9, Business and Professions Code. In such instances, however, the responsibility charge of this section shall prevail.

(e) Existing High-Rise Buildings.

(1) Complete plans or specifications, or both, shall be prepared covering all work required by Sections 2 1733 through 2 1747, Title 24, CAC for existing high-rise buildings. Such plans or specifications shall be submitted to the enforcing agency having jurisdiction.

(2) When new construction is required to conform with the provisions of these regulations, complete plans or specifications, or both shall be prepared in accordance with the provisions of this subsection. As used in this section "new construction" is not intended to include repairs, replacements or minor alterations which do not disrupt or appreciably add to or affect the structural aspects of the building."

NOTE: Authority cited: Sections 13108, 13143, 13143.6, 13211 and 18897.3, Health and Safety Code. Reference: Sections 13100-13146.5, 13210-13216 and 18897-18897.7, Health and Safety Code.

§ 3.29. Portable Fire Extinguishing Equipment.

(a) General. Portable fire extinguishers conforming to the requirements of Division 1., Chapter 3, Title 19, CCR, shall be installed and maintained in accordance with guides established therein.

(b) Special Coverage. Additional Class A, B, and C units of adequate extinguishing potential shall be provided for any other hazard as determined by the enforcing agency.

(c) Group A Occupancies.

(1) One additional Class 2-A unit shall be provided in Group A Occupancies as follows:

(A) On each side of the stage or platform.

EXCEPTION: Platforms 1000 square feet or less in area need have only one such extinguishing unit.

(B) On each side of every fly gallery.

(C) In basements beneath the stage or platform.

(D) In every hallway or passageway leading to a dressing room.

(E) In every property room, carpenter shop, or similar workroom.

(2) Not less than one 10-B: C unit (not less than 4-B: C for existing extinguishers in existing occupancies) shall be provided:

(A) For each motor and fan room.

(B) Adjacent to each switchboard on the stage or platform.

(C) For each motion picture machine in projection rooms.

EXCEPTION: One 20-B:C unit (not less than 8-B:C for existing extinguishers in existing occupancies) in each projection room may be accepted as providing substantially equal protection.

(3) The enforcing agency may allow modifications or deviations relative to the number and location of portable fire extinguishers as required by this section provided such authority finds that the basic intent of this section and the ease of accessibility to extinguishers is otherwise achieved.

(d) Group R-2 and R-6 Occupancies. In Group R-2 and R-6 Occupancies a continuously attached garden hose, equipped with a water flow control nozzle, may be provided in lieu of one or more required fire extinguishers when acceptable to the enforcing agency. The location and length of such hose shall be as designated or approved by the enforcing agency.

NOTE: It is recommended that wherever possible portable fire extinguishers be located adjacent to manual fire alarm sending stations.

NOTE: Authority cited: Sections 13108, 13143, 13143.6, 13211, 17920.7, 17921 and 18897.3, Health and Safety Code. Reference: Sections 13100-13143.6, 13210-13216, 17920.7, 17921 and 18897-18897.7, Health and Safety Code.

HISTORY

1. Change without regulatory effect of NOTE filed 8-24-88 (Register 88, No. 36).
2. Change without regulatory effect amending subsection (d) filed 2-25-2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 9).
3. Change without regulatory effect amending subsection (a) filed 7-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 30).

§ 3.30. Posting of Room Capacity.

Any room having an occupant load of 50 or more persons where fixed seats are not installed, and which is used for assembly, classroom, dining, drinking, or similar purposes, shall have the capacity of the room posted in a conspicuous place near the main exit from the room. Posting shall be by means of a durable sign having a contrasting color from the background to which it is attached. Signs shall be of an approved type and shall be maintained in a legible manner by the owner or his authorized agent and shall indicate the number of occupants permitted for each room use. No person shall deface or remove such signs except as authorized by the enforcing agency.

NOTE: Authority cited: Sections 13108, 13143, 13211 and 18897.3, Health and Safety Code. Reference: Sections 13100-13146.5, 13210-13216 and 18897-18897.7, Health and Safety Code.

§ 3.31. Restraint.

Restraint shall not be permitted in any building except in Group I Occupancies constructed for such use in accordance with the provisions of Chapter 2-10, Part 2, Title 24, CAC.

NOTE: Authority cited: Sections 13108, 13143, 13143.6, 13211 and 18897.3, Health and Safety Code. Reference: Sections 13100-13146.5, 13210-13216 and 18897-18897.7, Health and Safety Code.

§ 3.32. Smoking.

(a) Smoking shall not be permitted in any Group E Occupancy as defined in Part 2, Title 24, CAC, except as provided in subsection (b) below.

(b) The governing board of any school district maintaining a community college or high school may adopt rules and regulations permitting the smoking and possession of tobacco on the campus of a community college or high school or while under the authority of school personnel by pupils of the community college or high school; provided that such rules and regulations shall not permit students to smoke in any classroom or other enclosed facility which any student is required to smoke in any classroom or other enclosed facility which any student is required to occupy or which is customarily occupied by nonsmoking students. Areas designated for smoking shall be approved by the enforcing agency.

NOTE: See Section 10602.5 of the Education Code relating to the smoking or possession of tobacco by pupils.

(c) Approved no smoking signs shall be posted on all stages and platforms of Group A Occupancies. Smoking shall not be permitted on stages or platforms except in approved designated areas and as necessary for theatrical, opera or similar productions.

(d) Smoking shall be prohibited in any patient room of a Group I, R-2 or R-6 Occupancy utilizing air-induced mattresses. No Smoking—Open Flame Signs shall be installed as specified in NFPA 99B, Hypobaric Facilities, 2002 edition.

NOTE: Authority cited: Sections 13108, 13143, 13211 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5, 13210–13216 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Change without regulatory effect amending subsection (d) filed 2–25–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 9).

§ 3.33. Licensing Time Frames. [Repealed]

NOTE: Authority cited: Section 15374, Government Code. Reference: Sections 15374–15378, Government Code.

HISTORY

1. New section filed 8–3–84; effective thirtieth day thereafter (Register 84, No. 31).
2. Change without regulatory effect repealing section filed 2–5–2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 6).

Article 4. Security Bars: Warning Information and Labeling

§ 4.1. Definitions.

For the purposes of this Article, the meaning of the following terms shall be as set forth in this section.

(a) Burglar Bars—Security bars located on the inside or outside of a door or window of a residential dwelling.

(b) Residential Dwelling—A house, apartment, motel, hotel, or other type of residential dwelling subject to the State Housing Law (Part. 1.5 (commencing with Section 17910), Division 13) of the Health and Safety Code and a manufactured home, mobilehome, and multiunit manufactured housing as defined in Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code.

NOTE: Authority cited: Section 13113.9, Health and Safety Code. Reference: Section 13113.9, Health and Safety Code.

HISTORY

1. New article 4 (sections 4.1–4.6) and section filed 7–2–98; operative 8–1–98 (Register 98, No. 27). For prior history of article 4, see Register 79, No. 48.
2. Editorial correction of subsection (a) (Register 2005, No. 13).

§ 4.2. Labeling.

Burglar bars shall not be sold in California at wholesale or retail unless warning information as specified in Section 4.3 is provided either on the packaging or provided inside the packaging along with the burglar bars.

NOTE: Authority cited: Section 13113.9, Health and Safety Code. Reference: Section 13113.9, Health and Safety Code.

HISTORY

1. New section filed 7–2–98; operative 8–1–98 (Register 98, No. 27).

§ 4.3. Warning Information.

(a) Warning information located on or in burglar bar packaging shall contain the following information:

(1) Warning that the burglar bars are intended to deter or delay intruders, they are not intended to prevent entry.

(2) A reprint of the following requirements from Section 310.4 of the 1995 California Building Code:

“Bars, grilles, grates or similar devices may be installed on emergency escape or rescue windows, doors or window wells, or any required exit door, provided:

1. The devices are equipped with approved release mechanisms which are openable from the inside without the use of a key or special knowledge or effort; and

2. The building is equipped with smoke detectors installed in accordance with Section 310.9.

Such bars, grilles, grates or similar devices shall be equipped with an approved release device for use by the fire department only on the exterior

or side for the purpose of fire department emergency access, when required by the authority having jurisdiction.”

(3) A statement regarding the necessity of installing early warning smoke detectors (as required by the 1995 California Building Code, Section 310.9) and planning occupant’s escape routes and meeting places.

(4) Contact the local building and fire official to determine if a local ordinance requires a building permit prior to installation and if the burglar bars are required to have a release mechanism on the outside for use by the fire department in the event of a fire emergency.

(5) Written directions and illustrations on the operation of the emergency escape release mechanisms. These directions shall include a warning that the mechanisms be tested on a monthly basis.

(b) The textual information required by this section shall be printed in a minimum 12–point non–decorative lettering providing a sharp contrast to the background.

(c) Graphical information required by this section shall be of sufficient size to clearly illustrate the intended actions.

NOTE: Authority cited: Section 13113.9, Health and Safety Code. Reference: Section 13113.9, Health and Safety Code.

HISTORY

1. New section filed 7–2–98; operative 8–1–98 (Register 98, No. 27).

§ 4.4. Warning Information Location.

When placed on burglar bar packaging, the information required by Section 4.3 shall be conspicuously located and shall not be covered or made illegible by product advertising not required by section 4.3.

NOTE: Authority cited: Section 13113.9, Health and Safety Code. Reference: Section 13113.9, Health and Safety Code.

HISTORY

1. New section filed 7–2–98; operative 8–1–98 (Register 98, No. 27).

§ 4.5. Contractor or Installer Disclosures.

Any contractor or installer of burglar bars shall provide the owner of the residential dwelling the warning information required pursuant to section 4.3 prior to installing burglar bars.

NOTE: Authority cited: Section 13113.9, Health and Safety Code. Reference: Section 13113.9, Health and Safety Code.

HISTORY

1. New section filed 7–2–98; operative 8–1–98 (Register 98, No. 27).

§ 4.6. Prohibited Installations.

No person shall install for profit unopenable burglar bars on a residential dwelling:

(a) Where the California Building Code requires openable burglar bars for emergency escape or rescue, or

(b) On mobilehomes, manufactured homes, or multiunit manufactured housing unless at least one window or door to the exterior in each bedroom is openable for emergency escape or rescue.

NOTE: Authority cited: Section 13113.9, Health and Safety Code. Reference: Section 13113.9, Health and Safety Code.

HISTORY

1. New section filed 7–2–98; operative 8–1–98 (Register 98, No. 27).

Article 5. Classification of All Buildings by Use or Occupancy and General Requirements for All Occupancies

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 5 (Sections 5.00–5.12, not consecutive) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Registers 77, No. 45; 75, No. 6; and 74, No. 27.

Article 6. Requirements for Group A Occupancies

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 6 (Sections 6.00–6.33, not consecutive) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 77, No. 45.

Article 7. Requirements for Group B Occupancies

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 7 (Sections 7.00–7.33, not consecutive) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Registers 77, No. 45; and 74, No. 27.

Article 8. Requirements for Group C Occupancies

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 8 (Sections 8.00–8.33, not consecutive) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Registers 77, No. 45; 75, No. 6; 74, No. 27; and 71, No. 52.

Article 9. Requirements for Group D Occupancies

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 9 (Sections 9.00–9.33, not consecutive) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Registers 79, No. 9; 79, No. 19; 77, No. 45; 75, No. 6; 72, No. 33; and 73, No. 19.

Article 9–A. Requirements for Group D, Divisions 2A and 3A Occupancies

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 9–A (Sections 9.50–9.78, not consecutive) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Registers 79, No. 19; 77, No. 45; and 75, No. 6.

Article 9–B. Requirements for Group D, Division 4 Occupancies

NOTE: Authority cited: Sections 13108, 13114, 13143, 13143.6 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Repealer of Article 9–B (Sections 9.80–9.98, not consecutive) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Registers 79, No. 19; 73, No. 18; and 71, No. 52.

Article 9–C. Requirements for Group D, Division 5 Occupancies

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 9–C (Sections 9.99–9.99.33, not consecutive) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Registers 79, No. 19; 77, No. 45; and 73, No. 52.

Article 10. Requirements for Group E Occupancies

NOTE: Authority cited: Sections 18958, Health and Safety Code. Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 10 (Sections 10.00–10.33, not consecutive) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 74, No. 27.

Article 11. Requirements for Group F Occupancies

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 11 (Sections 11.00–11.33, not consecutive) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 71, No. 52.

Article 12. Requirements for Group G Occupancies

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 12 (Sections 12.00–12.33, not consecutive) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 71, No. 52.

Article 13. Requirements for Group H Occupancies

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 13 (Sections 13.00–13.33, not consecutive) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 74, No. 31.

Article 14. Requirements for Group I Occupancies

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 14 (Sections 14.00–14.33, not consecutive) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 74, No. 27.

Article 15. Requirements for Group J Occupancies

NOTE: Authority cited: Sections 13108, 13114, 13143, 13143.6 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Repealer of Article 15 (Sections 15.00–15.33, not consecutive) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 74, No. 52.

Article 17. Classification of All Buildings by Types of Construction and General Requirements

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 17 (Sections 17.00–17.33, not consecutive) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Registers 79, No. 19; 76, No. 30; and 74, No. 52.

Article 18. Type I Buildings

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 18 (Sections 18.00–18.33, not consecutive) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Registers 76, No. 30; 76, No. 17; 75, No. 51; 75, No. 6; 74, No. 52; 74, No. 40; and 74, No. 27.

Article 19. Type II Buildings

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 19 (Sections 19.00–19.33, not consecutive) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Registers 76, No. 30; 76, No. 17; 75, No. 51; 75, No. 6; 74, No. 52; 74, No. 40; and 74, No. 27.

Article 20. Type III Buildings

NOTE: Authority cited: Sections 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 20 (Sections 20.00–20.33, not consecutive) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 76, No. 30.

Article 21. Type IV Buildings

NOTE: Authority cited: Sections 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 21 (Sections 21.00–21.33, not consecutive) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 76, No. 30.

Article 22. Type V Buildings

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 22 (Sections 22.00 and 22.33) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 76, No. 30.

Article 24. Masonry

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 24 (Section 24.00) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 76, No. 30.

Article 25. Wood

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 25 (Section 25.00) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 76, No. 30.

Article 26. Concrete

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 26 (Section 26.00) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 76, No. 30.

Article 27. Steel and Iron

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 27 (Section 27.00) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 75, No. 51.

Article 28. Aluminum

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 28 (Section 28.00) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 75, No. 51.

Article 30. Veneer

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 30 (Section 30.00) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 75, No. 51.

Article 32. Roof Construction and Covering

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 32 (Sections 32.00 and 32.03) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 74, No. 27.

Article 33. Stairs, Exits and Occupant Loads

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 33 (Sections 33.00 and 33.21) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 79, No. 19.

Article 34. Skylights

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 34 (Sections 34.00) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 79, No. 19.

Article 36. Penthouses and Roof Structures

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 36 (Section 36.00) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 79, No. 19.

Article 37. Chimneys, Fireplaces and Barbecues

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 37 (Section 37.00) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 79, No. 19.

Article 38. Fire-Extinguishing Systems

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 38 (Sections 38.00) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 76, No. 40 and 79, No. 19.

Article 39. Stages and Platforms

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 39 (Section 39.00) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 76, No. 40.

Article 40. Motion Picture Projection Rooms

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 40 (Section 40.00) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 76, No. 40.

Article 42. Interior Wall and Ceiling Finish

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 42 (Sections 42.00–42.07, not consecutive) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 79, No. 9.

Article 43. Fire Resistive Standards

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 43 (Sections 43.00 and 43.06) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 79, No. 9.

Article 45. Permanent Occupancy of Public Property

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 45 (Section 45.00) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 79, No. 9.

Article 47. Installation of Wall and Ceiling Coverings

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 47 (Section 47.00) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 79, No. 9.

Article 48. Film Storage

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 48 (Section 48.00) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 79, No. 19.

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Article 49. Patio Covers

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 49 (Section 49.00) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 79, No. 19.

Article 51. Elevators, Dumbwaiters, Escalators and Moving Walks

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 51 (Section 51.00) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 79, No. 19.

Article 52. Plastics

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 52 (Section 52.00) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 79, No. 19.

Article 53. Sheet Metal Paint Spray Booths

HISTORY

1. Repealer filed 7–2–74 as an emergency; designated effective 7–2–74. Certificate of Compliance included.

Article 54. Glass and Glazing

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 54 (Section 54.00) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 79, No. 19.

Article 57. Regulations Governing Fallout Shelters

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 57 (Section 57.00) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 79, No. 19.

Article 60. Legislative

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 60 (Section 60.00) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 79, No. 19.

Article 62. Explosive Magazines

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 62 (Section 62.00) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 79, No. 19.

Article 65. Housekeeping and Fire Nuisances

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 65 (Sections 65.00–65.04) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 77, No. 45.

Article 67. Combustion Engines and Gas Turbines

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 67 (Section 67.00) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 77, No. 45.

Article 68. Liquefied Petroleum Gas

NOTE: Authority cited: Section 18958, Health and Safety Code. Reference: Sections 18950–18960, Health and Safety Code.

HISTORY

1. Repealer of Article 68 (Section 68.00) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48). For prior history, see Register 77, No. 45.

Article 72. Protective Signaling Systems

NOTE: Authority cited: Sections 13108, 13114, 13143, 13143.6 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5 and 18897–18897.7, Health and Safety Code.

HISTORY

1. New subsection B7200(a)(10) filed 5–7–79; effective thirtieth day thereafter (Register 79, No. 19).
2. Repealer of Article 72 (Section 72.00) filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48).

Article 80. Special Test Standards and Methods

§ 80.01. Scope.

HISTORY

1. Change without regulatory effect pursuant to Section 100, Title 1, California Code of Regulations repealing Article 80 (Sections 80.01–80.17.6, not consecutive) filed 8–9–89; operative 8–9–89 (Register 89, No. 32). For prior history, see Registers 86, No. 25; 79, No. 19; 74, No. 11; 74, No. 6; and 71, No. 52.

§ 80.02. Index.

NOTE: Authority cited: Sections 13108, 13114, 13143, 13143.6 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Change without regulatory effect pursuant to Section 100, Title 1, California Code of Regulations repealing Article 80 (Sections 80.01–80.17.6, not consecutive) filed 8–9–89; operative 8–9–89 (Register 89, No. 32). For prior history, see Registers 86, No. 25; 79, No. 19; 74, No. 11; 74, No. 6; and 71, No. 52.

§ 80.03. Air Filters. SFM–51.6.

HISTORY

1. Change without regulatory effect pursuant to Section 100, Title 1, California Code of Regulations repealing Article 80 (Sections 80.01–80.17.6, not consecutive) filed 8–9–89; operative 8–9–89 (Register 89, No. 32). For prior history, see Registers 86, No. 25; 79, No. 19; 74, No. 11; 74, No. 6; and 71, No. 52.

§ 80.04. Smoke or Heat Ventilators. SFM–39.1.

HISTORY

1. Change without regulatory effect pursuant to Section 100, Title 1, California Code of Regulations repealing Article 80 (Sections 80.01–80.17.6, not consecutive) filed 8–9–89; operative 8–9–89 (Register 89, No. 32). For prior history, see Registers 86, No. 25; 79, No. 19; 74, No. 11; 74, No. 6; and 71, No. 52.

§ 80.05. Fire Tests of Building Construction and Materials. SFM–43.1.

HISTORY

1. Change without regulatory effect pursuant to Section 100, Title 1, California Code of Regulations repealing Article 80 (Sections 80.01–80.17.6, not consecutive) filed 8–9–89; operative 8–9–89 (Register 89, No. 32). For prior history, see Registers 86, No. 25; 79, No. 19; 74, No. 11; 74, No. 6; and 71, No. 52.

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utive) filed 8–9–89; operative 8–9–89 (Register 89, No. 32). For prior history, see Registers 86, No. 25; 79, No. 19; 74, No. 11; 74, No. 6; and 71, No. 52.

§ 80.14.5. Endurance and Performance Test Procedures.

HISTORY

1. Change without regulatory effect pursuant to Section 100, Title 1, California Code of Regulations repealing Article 80 (Sections 80.01–80.17.6, not consecutive) filed 8–9–89; operative 8–9–89 (Register 89, No. 32). For prior history, see Registers 86, No. 25; 79, No. 19; 74, No. 11; 74, No. 6; and 71, No. 52.

§ 80.14.6. Thickness of Coatings Tests.

HISTORY

1. Change without regulatory effect pursuant to Section 100, Title 1, California Code of Regulations repealing Article 80 (Sections 80.01–80.17.6, not consecutive) filed 8–9–89; operative 8–9–89 (Register 89, No. 32). For prior history, see Registers 86, No. 25; 79, No. 19; 74, No. 11; 74, No. 6; and 71, No. 52.

§ 80.14.7. Marking.

HISTORY

1. Change without regulatory effect pursuant to Section 100, Title 1, California Code of Regulations repealing Article 80 (Sections 80.01–80.17.6, not consecutive) filed 8–9–89; operative 8–9–89 (Register 89, No. 32). For prior history, see Registers 86, No. 25; 79, No. 19; 74, No. 11; 74, No. 6; and 71, No. 52.

§ 80.15. Construction Standards and Performance Tests for Emergency Exit and Panic Hardware SFM–33.3.

HISTORY

1. Change without regulatory effect pursuant to Section 100, Title 1, California Code of Regulations repealing Article 80 (Sections 80.01–80.17.6, not consecutive) filed 8–9–89; operative 8–9–89 (Register 89, No. 32). For prior history, see Registers 86, No. 25; 79, No. 19; 74, No. 11; 74, No. 6; and 71, No. 52.

§ 80.15.1. Scope.

HISTORY

1. Change without regulatory effect pursuant to Section 100, Title 1, California Code of Regulations repealing Article 80 (Sections 80.01–80.17.6, not consecutive) filed 8–9–89; operative 8–9–89 (Register 89, No. 32). For prior history, see Registers 86, No. 25; 79, No. 19; 74, No. 11; 74, No. 6; and 71, No. 52.

§ 80.15.2. Instructions.

HISTORY

1. Change without regulatory effect pursuant to Section 100, Title 1, California Code of Regulations repealing Article 80 (Sections 80.01–80.17.6, not consecutive) filed 8–9–89; operative 8–9–89 (Register 89, No. 32). For prior history, see Registers 86, No. 25; 79, No. 19; 74, No. 11; 74, No. 6; and 71, No. 52.

§ 80.15.3. Design.

HISTORY

1. Change without regulatory effect pursuant to Section 100, Title 1, California Code of Regulations repealing Article 80 (Sections 80.01–80.17.6, not consecutive) filed 8–9–89; operative 8–9–89 (Register 89, No. 32). For prior history, see Registers 86, No. 25; 79, No. 19; 74, No. 11; 74, No. 6; and 71, No. 52.

§ 80.15.4. Construction Materials.

HISTORY

1. Change without regulatory effect pursuant to Section 100, Title 1, California Code of Regulations repealing Article 80 (Sections 80.01–80.17.6, not consecutive) filed 8–9–89; operative 8–9–89 (Register 89, No. 32). For prior history, see Registers 86, No. 25; 79, No. 19; 74, No. 11; 74, No. 6; and 71, No. 52.

§ 80.15.5. Endurance and Performance Tests.

HISTORY

1. Change without regulatory effect pursuant to Section 100, Title 1, California Code of Regulations repealing Article 80 (Sections 80.01–80.17.6, not consecutive) filed 8–9–89; operative 8–9–89 (Register 89, No. 32). For prior history, see Registers 86, No. 25; 79, No. 19; 74, No. 11; 74, No. 6; and 71, No. 52.

§ 80.15.6. Emergency Operation Test.

HISTORY

1. Change without regulatory effect pursuant to Section 100, Title 1, California Code of Regulations repealing Article 80 (Sections 80.01–80.17.6, not consecutive) filed 8–9–89; operative 8–9–89 (Register 89, No. 32). For prior history, see Registers 86, No. 25; 79, No. 19; 74, No. 11; 74, No. 6; and 71, No. 52.

§ 80.15.7. Marking.

HISTORY

1. Change without regulatory effect pursuant to Section 100, Title 1, California Code of Regulations repealing Article 80 (Sections 80.01–80.17.6, not consecutive) filed 8–9–89; operative 8–9–89 (Register 89, No. 32). For prior history, see Registers 86, No. 25; 79, No. 19; 74, No. 11; 74, No. 6; and 71, No. 52.

§ 80.16. Single and Multiple Station Fire Alarm Devices, Mechanically Operated Type—SFM–72.2.

NOTE: Authority cited: Sections 13114 and 13144.4, Health and Safety Code. Reference: Sections 13100 through 13146.5, Health and Safety Code.

HISTORY

1. New Sections 80.16 through 80.18.7, not consecutive, filed 2–7–74 as an emergency; effective upon filing (Register 74, No. 6.).
2. Certificate of Compliance filed 3–15–74 (Register 74, No. 11).

§ 80.16.1. Scope.

HISTORY

1. Change without regulatory effect pursuant to Section 100, Title 1, California Code of Regulations repealing Article 80 (Sections 80.01–80.17.6, not consecutive) filed 8–9–89; operative 8–9–89 (Register 89, No. 32). For prior history, see Registers 86, No. 25; 79, No. 19; 74, No. 11; 74, No. 6; and 71, No. 52.

§ 80.16.2. Test Reports.

HISTORY

1. Change without regulatory effect pursuant to Section 100, Title 1, California Code of Regulations repealing Article 80 (Sections 80.01–80.17.6, not consecutive) filed 8–9–89; operative 8–9–89 (Register 89, No. 32). For prior history, see Registers 86, No. 25; 79, No. 19; 74, No. 11; 74, No. 6; and 71, No. 52.

§ 80.16.3. General.

HISTORY

1. Change without regulatory effect pursuant to Section 100, Title 1, California Code of Regulations repealing Article 80 (Sections 80.01–80.17.6, not consecutive) filed 8–9–89; operative 8–9–89 (Register 89, No. 32). For prior history, see Registers 86, No. 25; 79, No. 19; 74, No. 11; 74, No. 6; and 71, No. 52.

§ 80.16.4. Performance.

HISTORY

1. Change without regulatory effect pursuant to Section 100, Title 1, California Code of Regulations repealing Article 80 (Sections 80.01–80.17.6, not consecutive) filed 8–9–89; operative 8–9–89 (Register 89, No. 32). For prior history, see Registers 86, No. 25; 79, No. 19; 74, No. 11; 74, No. 6; and 71, No. 52.

§ 80.16.5. Instructions.

HISTORY

1. Change without regulatory effect pursuant to Section 100, Title 1, California Code of Regulations repealing Article 80 (Sections 80.01–80.17.6, not consecutive) filed 8–9–89; operative 8–9–89 (Register 89, No. 32). For prior history, see Registers 86, No. 25; 79, No. 19; 74, No. 11; 74, No. 6; and 71, No. 52.

§ 80.16.6. Marking.

HISTORY

1. Change without regulatory effect pursuant to Section 100, Title 1, California Code of Regulations repealing Article 80 (Sections 80.01–80.17.6, not consecutive) filed 8–9–89; operative 8–9–89 (Register 89, No. 32). For prior history, see Registers 86, No. 25; 79, No. 19; 74, No. 11; 74, No. 6; and 71, No. 52.

§ 80.16.7. Testing Oven.

HISTORY

1. Change without regulatory effect pursuant to Section 100, Title 1, California Code of Regulations repealing Article 80 (Sections 80.01–80.17.6, not consecutive) filed 8–9–89; operative 8–9–89 (Register 89, No. 32). For prior history, see Registers 86, No. 25; 79, No. 19; 74, No. 11; 74, No. 6; and 71, No. 52.

§ 80.17. Smoke Detectors, Combustion Products Type. SFM–72.3.

HISTORY

1. Change without regulatory effect pursuant to Section 100, Title 1, California Code of Regulations repealing Article 80 (Sections 80.01–80.17.6, not consecutive) filed 8–9–89; operative 8–9–89 (Register 89, No. 32). For prior history, see Registers 86, No. 25; 79, No. 19; 74, No. 11; 74, No. 6; and 71, No. 52.

§ 80.17.1. Scope.

HISTORY

1. Change without regulatory effect pursuant to Section 100, Title 1, California Code of Regulations repealing Article 80 (Sections 80.01–80.17.6, not consecutive) filed 8–9–89; operative 8–9–89 (Register 89, No. 32). For prior history, see Registers 86, No. 25; 79, No. 19; 74, No. 11; 74, No. 6; and 71, No. 52.

§ 80.17.2. Test Reports.**HISTORY**

1. Change without regulatory effect pursuant to Section 100, Title 1, California Code of Regulations repealing Article 80 (Sections 80.01–80.17.6, not consecutive) filed 8–9–89; operative 8–9–89 (Register 89, No. 32). For prior history, see Registers 86, No. 25; 79, No. 19; 74, No. 11; 74, No. 6; and 71, No. 52.

§ 80.17.3. General.**HISTORY**

1. Change without regulatory effect pursuant to Section 100, Title 1, California Code of Regulations repealing Article 80 (Sections 80.01–80.17.6, not consecutive) filed 8–9–89; operative 8–9–89 (Register 89, No. 32). For prior history, see Registers 86, No. 25; 79, No. 19; 74, No. 11; 74, No. 6; and 71, No. 52.

§ 80.17.4. Performance.**HISTORY**

1. Change without regulatory effect pursuant to Section 100, Title 1, California Code of Regulations repealing Article 80 (Sections 80.01–80.17.6, not consecutive) filed 8–9–89; operative 8–9–89 (Register 89, No. 32). For prior history, see Registers 86, No. 25; 79, No. 19; 74, No. 11; 74, No. 6; and 71, No. 52.

§ 80.17.6. Tests on Thermoplastic Materials.**HISTORY**

1. Change without regulatory effect pursuant to Section 100, Title 1, California Code of Regulations repealing Article 80 (Sections 80.01–80.17.6, not consecutive) filed 8–9–89; operative 8–9–89 (Register 89, No. 32). For prior history, see Registers 86, No. 25; 79, No. 19; 74, No. 11; 74, No. 6; and 71, No. 52.

§ 80.18. Household Fire Warning Systems, Standard Test Procedures. SFM–72.4.

NOTE: Authority cited: Sections 13108, 13114, 13143, 13143.6, and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Repealer filed 5–7–79; effective thirtieth day thereafter (Register 79, No. 19). For former history, see Registers 74, No. 11 and 74, No. 6.

§ 80.18.1. Scope.

NOTE: Authority cited: Sections 13108, 13114, 13143, 13143.6, and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Repealer filed 5–7–79; effective thirtieth day thereafter (Register 79, No. 19). For former history, see Registers 74, No. 11, and 74, No. 6.
2. Editorial correction of NOTE (Register 97, No. 44).

§ 80.18.2. Test Reports.

NOTE: Authority cited: Sections 13108, 13114, 13143, 13143.6, and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Repealer filed 5–7–79; effective thirtieth day thereafter (Register 79, No. 19). For former history, see Registers 74, No. 11 and 74, No. 6.

§ 80.18.3. General.

NOTE: Authority cited: Sections 13108, 13114, 13143, 13143.6, and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Repealer filed 5–7–79; effective thirtieth day thereafter (Register 79, No. 19). For former history, see Registers 74, No. 11 and 74, No. 6.

§ 80.18.4. Performance.

NOTE: Authority cited: Sections 13108, 13114, 13143, 13143.6, and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Repealer filed 5–7–79; effective thirtieth day thereafter (Register 79, No. 19). For former history, see Registers 74, No. 11 and 74, No. 6.

§ 80.18.5. Printed Wiring Boards.

NOTE: Authority cited: Sections 13108, 13114, 13143, 13143.6, and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Repealer filed 5–7–79; effective thirtieth day thereafter (Register 79, No. 19). For former history, see Registers 74, No. 11 and 74, No. 6.

§ 80.18.6. Installation Drawing.

NOTE: Authority cited: Sections 13108, 13114, 13143, 13143.6, and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Repealer filed 5–7–79; effective thirtieth day thereafter (Register 79, No. 19). For former history, see Registers 74, No. 11 and 74, No. 6.

§ 80.18.7. Instructions.

NOTE: Authority cited: Sections 13108, 13114, 13143, 13143.6 and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Repealer filed 5–7–79; effective thirtieth day thereafter (Register 79, No. 19). For prior history, see Registers 74, No. 11 and 74, No. 6.
2. Editorial correction reinstating inadvertently omitted HISTORY NOTE NO. 1 (Register 86, No. 25).

Chapter 1.5. Construction Materials and Equipment Listings

Article 1. General Provisions

§ 200. Purpose.

(a) Construction material, assemblies of material, equipment, methods of construction, methods for the installation of equipment, fire alarm systems and devices, and automatic sprinkler systems and devices listed by the State Fire Marshal in accordance with the provisions of this article shall be construed as conforming to the applicable provisions of these regulations without submission of further evidence thereof, and shall be assumed to possess the fire and panic safety specified when constructed and installed in accordance with the conditions of their listing.

(b) Portable gasoline containers listed by the State Fire Marshal in accordance with the provisions of this article shall be construed as conforming to the applicable provisions of these regulations without submission of further evidence thereof, and shall be assumed to meet the child-resistant construction and design standards specified when constructed and designed in accordance with the conditions of their listing.

NOTE: Authority cited: Sections 13139 and 13144.4, Health and Safety Code. Reference: Sections 13139 and 13144.1, Health and Safety Code.

HISTORY

1. Change without regulatory effect transferring and reorganizing Subchapter 1 (Article 1.5, Sections 1.49–1.63) as Subchapter 1.5 (Articles 1–8, Sections 200–217) filed 5–28–86; effective thirtieth day thereafter (Register 86, No. 22).
2. Amendment of section and NOTE filed 6–6–2008; operative 6–6–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 23).

§ 201. Regulation Identification.

Except when otherwise specified, construction materials, equipment, methods of construction, methods for the installation of equipment, fire alarm systems and devices, and automatic sprinkler systems and devices are herein identified as “materials and equipment,” may be cited as such, and will hereafter be referred to in this article as “materials and equipment.”

NOTE: Authority cited: Section 13144.4, Health and Safety Code. Reference: Section 13144.1, Health and Safety Code.

HISTORY

1. Change without regulatory effect transferring and reorganizing Subchapter 1 (Article 1.5, Sections 1.49–1.63) as Subchapter 1.5 (Articles 1–8, Sections 200–217) filed 5–28–86; effective thirtieth day thereafter (Register 86, No. 22).

§ 202. Limitation.

Acceptance under the provisions of Section 204(a) shall be limited to the material and equipment listed and shall not extend to any other product.

NOTE: Authority cited: Section 13144.4, Health and Safety Code. Reference: Section 13144.1, Health and Safety Code.

HISTORY

1. Change without regulatory effect transferring and reorganizing Subchapter 1 (Article 1.5, Sections 1.49–1.63) as Subchapter 1.5 (Articles 1–8, Sections 200–217) filed 5–28–86; effective thirtieth day thereafter (Register 86, No. 22).

§ 203. Expired Listing.

It shall not be construed that an expired listing automatically conforms with the current provisions of these regulations.

NOTE: Authority cited: Section 13144.4, Health and Safety Code. Reference: Sections 13144.1 and 13144.2, Health and Safety Code.

HISTORY

1. Change without regulatory effect transferring and reorganizing Subchapter 1 (Article 1.5, Sections 1.49–1.63) as Subchapter 1.5 (Articles 1–8, Sections 200–217) filed 5–28–86; effective thirtieth day thereafter (Register 86, No. 22).
2. Amendment filed 6–6–2008; operative 6–6–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 23).

Article 2. Definitions**§ 204. Definitions.**

For the purposes of approval and listing the following definitions shall apply.

(a) Control Unit, Fire Alarm. A fire alarm control unit is a unit assembly of electrical parts having provisions for the connection of power-supply circuits routed through the control unit equipment by a prescribed scheme of circuitry; signal initiating circuits extended to separate devices by which the operating parts of the control unit are actuated for signals; and to incorporate or separate devices by which the signals are transmitted or indicated to form a coordinated combination system for definite signaling service.

For the purposes of approval and listing, a single station self-contained smoke detector shall be considered as a fire alarm control unit.

(b) Device, Fire Alarm. A fire alarm device means any device which constitutes a component part of a fire alarm system as defined in this section. [See Section 208(c)].

(c) Fire Alarm Systems.

(1) A fire alarm system means a control unit and a combination of electrically interconnected devices designed and intended to cause an alarm or warning of fire in a building or structure by either manual or automatic activation, or by both, and includes such systems installed throughout any building or portion thereof. Fire alarm systems may include but shall not necessarily be limited to the following component parts.

- (A) Audio signal devices.
- (B) Visual signal devices.
- (C) Trouble signal devices.
- (D) Annunciators.
- (E) Smoke detectors.
- (F) Heat detectors.
- (G) Visual detectors.
- (H) Manual initiating devices.
- (I) Wiring (conductors and cable).

EXCEPTION: For the purposes of compliance with Section 13114, Health and Safety Code, wiring for fire alarm systems need not mandatorily be approved and listed. Wiring shall conform to the provisions required under Section 3.01.

(2) For the purposes of approval and listing, fire alarm systems or devices shall not be construed to include any connected fire alarm or nonfire alarm equipment which is not essential to the function of the fire alarm system provided the fire alarm control unit or device complies with Section 208(c). Examples of such equipment includes:

- (A) Municipal fire alarm systems.
- (B) Central stations of central station systems.
- (C) Auxiliary or accessory equipment, included but not necessarily limited to burglar alarm, recording, or other nonfire related sound reproducing equipment.
- (D) Telephones.
- (E) Retransmitting equipment commonly referred to as “dialers.”
- (F) Auxiliary fire alarm boxes of auxiliary fire alarm systems.
- (G) Nonfire related equipment of computers used in fire alarm systems.
- (H) Remote station receiving equipment of remote station systems whether such equipment is located on or off the protected premises.

(3) For purposes of approval and listing, fire alarm control units or devices which do not conform to Section 208(c) shall be prohibited or may be listed as approved without the interconnection of any unapproved equipment.

(d) Fuel. See Title 13, CCR, Division 3, Chapter 9, Article 6.

(e) Kerosene. See Title 13, CCR, Division 3, Chapter 9, Article 6.

(f) Portable Gasoline Containers. “Portable gasoline container” means any container or vessel with a nominal capacity of 10 gallons or less that is intended for reuse and is designed, used, sold, advertised, or offered for sale primarily for receiving, transporting, storing, or dispensing gasoline.

“Portable gasoline container” does not include either of the following:

(1) A container or vessel permanently embossed or permanently labeled as described in Section 172.407(a) of Title 49 of the Code of Federal Regulations, as it existed on September 15, 2005, indicating containers or vessels that are solely intended for use with nonfuel or nonkerosene products.

(2) A safety can meeting the requirements of Subpart F (commencing with Section 1926.150) of Part 1926 of Title 29 of the Code of Federal Regulations, as it existed on January 1, 2008. This exception shall not apply to any safety can manufactured after October 31, 2008, unless the can contains a label or silkscreen of the words “NOT CHILDPROOF” in a conspicuous and prominent place against a contrasting background, and the type shall be clear and legible. On safety cans larger than one quart, the font size of the label wording shall be printed in at least 12-point type. On safety cans one-quart and smaller, the font size of the label wording shall be printed in at least 8-point type. All labels shall be printed in both English and Spanish.

NOTE: Authority cited: Sections 13139 and 13144.4, Health and Safety Code. Reference: Sections 13139 and 13144.1, Health and Safety Code.

HISTORY

1. Change without regulatory effect transferring and reorganizing Subchapter 1 (Article 1.5, Sections 1.49–1.63) as Subchapter 1.5 (Articles 1–8, Sections 200–217) filed 5–28–86; effective thirtieth day thereafter (Register 86, No. 22).
2. New subsections (d)–(f)(2) and amendment of NOTE filed 6–6–2008; operative 6–6–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 23).

Article 3. Application Procedure**§ 205. Method and Scope of Listings.**

(a) Method. Listings of materials and equipment shall be in either of two forms, i.e., proprietary or generic. Proprietary listings shall be separately published by the State Fire Marshal in accordance with the provisions of Section 13144.1, Health and Safety Code. Materials and equipment classed by the State Fire Marshal as industry-wide may be designated in generic terms in regulations in accordance with the provisions of Section 13144.2(c), Health and Safety Code.

(b) Scope. The provisions of this article shall be limited to proprietary listings.

NOTE: Authority cited: Section 13144.4, Health and Safety Code. Reference: Sections 13144.1 and 13144.2, Health and Safety Code.

HISTORY

1. Change without regulatory effect transferring and reorganizing Subchapter 1 (Article 1.5, Sections 1.49–1.63) as Subchapter 1.5 (Articles 1–8, Sections 200–217) filed 5–28–86; effective thirtieth day thereafter (Register 86, No. 22).

§ 206. Application for Evaluation and Listing.

(a) Original. Any person, firm, corporation, association, or similar organization desiring the listing of any material, equipment, or portable gasoline container shall submit a completed application for listing to the State Fire Marshal on forms provided. Such form shall be accompanied by the appropriate fees as prescribed in Section 216. Application for reinstatement of a listing which has been expired for one year or more shall be considered as an original application for listing. Applications for listing received after March 31 of each calendar year shall be accompanied by the listing fees plus the renewal fee for the next ensuing fiscal year.

(b) Renewal. Any person, firm, corporation, association, or similar organization desiring the annual renewal of the listing of any material,

equipment, or portable gasoline container shall submit a completed application for renewal of such listing to the State Fire Marshal on forms provided. Such forms shall be accompanied by the appropriate renewal fee as prescribed in Section 216.

Applications for renewal shall be received or mailed to the Office of State Fire Marshal not later than March 31 preceding the renewal period.

(c) Revision. Any person, firm, corporation, association, or similar organization desiring a revision be made to the listing of any material, equipment, or portable gasoline container shall submit a completed application for revision to the State Fire Marshal on forms provided. Such forms shall be accompanied by the fee as prescribed in Section 216.

NOTE: Authority cited: Sections 13139 and 13144.4, Health and Safety Code. Reference: Sections 13139 and 13144.2, Health and Safety Code.

HISTORY

1. Change without regulatory effect transferring and reorganizing Subchapter 1 (Article 1.5, Sections 1.49–1.63) as Subchapter 1.5 (Articles 1–8, Sections 200–217) filed 5–28–86; effective thirtieth day thereafter (Register 86, No. 22).
2. Amendment of section and NOTE filed 6–6–2008; operative 6–6–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 23).

§ 207. Effective Date of Listing.

Materials, equipment, or portable gasoline containers shall be considered as listed upon approval thereof by the State Fire Marshal as shown in the files at the Office of State Fire Marshal. Listings shall be valid from the date of approval through the next ensuing June 30.

NOTE: Authority cited: Sections 13139 and 13144.4, Health and Safety Code. Reference: Sections 13139 and 13144.3, Health and Safety Code.

HISTORY

1. Change without regulatory effect transferring and reorganizing Subchapter 1 (Article 1.5, Sections 1.49–1.63) as Subchapter 1.5 (Articles 1–8, Sections 200–217) filed 5–28–86; effective thirtieth day thereafter (Register 86, No. 22).
2. Amendment of section and NOTE filed 6–6–2008; operative 6–6–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 23).

§ 208. Special Provisions.

(a) Fire Alarm and Automatic Sprinkler Systems and Devices.

(1) Control Units. For purposes of a single listing fire alarm control units may include variations in circuitry, functions, current and voltage ratings.

A single fire alarm control unit which incorporates any combination of functions (such as a local signaling control unit designed for auxiliary connection) shall be considered for a single listing. Such listing may include units used in conjunction with any of the following actuating methods. Automatic fire alarm, manual fire alarm, sprinkler supervisory, or waterflow alarm.

(2) Devices. Fire alarm and automatic sprinkler devices, for the purpose of a single listing, may have variations in size, dimensions, ratings, current and voltage but shall not include variations in method of operation.

(3) Fire Alarm Prohibitions. When any equipment or systems specified in Section 204(c)(2) is to be connected to any fire alarm control unit or fire alarm device, such control unit or device shall be so designed and arranged that:

(A) The electrical design of the equipment or systems shall not be integral to the internal circuitry of the fire alarm control unit of the system or device, and

(B) Such equipment and systems shall be served by a power supply or circuit independent of the power supply or circuit necessary for the function of the control unit or device, and

(C) Such equipment and systems shall be interconnected to the control unit of the system or device by relays or switching devices which will provide electrical isolation from the system or device to prevent interference or interruption of the normal or intended operation of the fire alarm system or device.

(4) Service. The listee of fire alarm systems and fire alarm devices shall file notice of the establishment of facilities and evidence of capability to provide for the repair of their approved and listed systems and devices.

(5) Restoration. Required Systems. Listees of fire alarm equipment used or intended for use on fire alarm systems required by Subchapter 1 of these regulations shall, at the time of application for approval and listing, include evidence of the capability to restore to operating condition, listed fire alarm systems, within 24 hours of notification.

(6) Continuity. Service and restoration facilities shall be maintained for the duration of listing and the listee shall file notice of the establishment of new facilities or discontinuance of any previously established facilities, within 30 days of the establishment or discontinuance of service facility.

Organizations designated by a listee as a service or restoration facility shall file with the notice, certification of service or restoration capability, geographical limitations, and evidence of service equipment, qualified service personnel and the necessary stock of parts and devices.

Service and restoration organizations who engage in the sale, distribution or installation of fire alarm systems or devices requiring a State Contractor's License shall file such evidence with their notice.

(7) Prohibition of Sale. The marketing, distribution, offering for sale, or selling of any fire alarm system or fire alarm device in this State is prohibited unless such system or device has been approved and listed by the State Fire Marshal.

Conditions of approval and listing by the State Fire Marshal shall be furnished at the time of purchase.

(8) Fire Alarm System and Fire Alarm Device Listings. The State Fire Marshal shall issue the listing upon receipt of:

1. An application conforming to the provisions of Section 206(a) and
2. A certification letter from a State Fire Marshal accredited laboratory.

(b) Portable Gasoline Containers.

(1) Portable gasoline containers shall be approved and listed by the State Fire Marshal pursuant to Health and Safety Code Section 13139(a). On or before January 1, 2008, the State Fire Marshal shall approve and list portable gasoline containers that are designed and constructed according to one of the following child-resistant standards:

(A) Construction and design standards which are substantially the same as the American Society for Testing and Materials (ASTM) F2517–05 statement, issued by ASTM International, or any successor standard issued by ASTM International.

(B) Construction and design standards approved by a national testing laboratory recognized by the State Fire Marshal.

(2) Prohibition of Sale. On or after April 1, 2008, the marketing, distribution, offering for sale, or selling of portable gasoline containers in this State is prohibited unless the containers were manufactured prior to April 1, 2008, or are approved and listed by the State Fire Marshal.

EXCEPTION: Retailers are permitted to sell existing supplies of portable gasoline containers that have not been approved and listed by the State Fire Marshal.

(c) Wood Roof Covering Materials. Wood roof covering materials shall be approved and listed by the State Fire Marshal pursuant to Health and Safety Code Section 13132.7(j). No wood roof covering materials shall be sold or applied in this state unless both of the following conditions are met:

(1) The materials have been approved and listed by the State Fire Marshal as complying with the requirements of this section.

(2) The materials have passed at least five years of the 10–year natural weathering test. The 10–year natural weathering test required by this subdivision shall be conducted in accordance with standard 15–2 of the 1994 edition of the Uniform Building Code at a testing facility recognized by the State Fire Marshal.

NOTE: Authority cited: Sections 13114, 13132.7, 13139 and 13144.4, Health and Safety Code. Reference: Sections 13132.7, 13139, 13144, 13144.1 and 13144.2, Health and Safety Code.

HISTORY

1. Change without regulatory effect transferring and reorganizing Subchapter 1 (Article 1.5, Sections 1.49–1.63) as Subchapter 1.5 (Articles 1–8, Sections 200–217) filed 5–28–86; effective thirtieth day thereafter (Register 86, No. 22).
2. New subsection (h) and amendment of NOTE filed 2–4–2008; operative 3–5–2008 (Register 2008, No. 6).

3. Amendment of section heading, section and NOTE filed 6-6-2008; operative 6-6-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 23).

§ 209. Required Submissions for Listing.

(a) Sample Specimens. In addition to the application and fee required by Section 206, the State Fire Marshal may require that sample specimens, taken from regular production, be submitted for evaluation. The State Fire Marshal may require the assembly or erection of a sample specimen for evaluation purposes.

The applicant shall assume all responsibility relating to the assembly or erection of such specimen, including but not limited to the cost, liability and removal thereof. The applicant shall arrange for the removal of any specimen submitted to the State Fire Marshal or which has been assembled or erected pursuant to this section, within 60 days of notification by the State Fire Marshal. The State Fire Marshal may dispose of any specimen submitted following the 60 day notification.

(b) Test Reports and Technical Data. Every application for evaluation and listing of a material, equipment, or portable gasoline container which is required by these regulations to be tested, shall be accompanied by a manufacturer's test report issued by an approved testing organization. Technical data shall be submitted with any application when required by the State Fire Marshal. Each application for an evaluation and listing of a fire-resistive design, and when required by the State Fire Marshal for any other material, equipment, or portable gasoline container, shall be accompanied by black-line drawings suitable for reproduction.

EXCEPTION: For fire alarm systems and fire alarm devices only, test reports need not be provided at the time of application provided the provisions of Section 208(a)(8) are met. The test report shall be submitted for evaluation within 60 days from the time of listing.

NOTE: Authority cited: Sections 13114, 13139 and 13144.4, Health and Safety Code. Reference: Sections 13114, 13139 and 13144.1, Health and Safety Code.

HISTORY

1. Change without regulatory effect transferring and reorganizing Subchapter 1 (Article 1.5, Sections 1.49-1.63) as Subchapter 1.5 (Articles 1-8, Sections 200-217) filed 5-28-86; effective thirtieth day thereafter (Register 86, No. 22).
2. New EXCEPTION to subsection (b) and amendment of NOTE filed 2-4-2008; operative 3-5-2008 (Register 2008, No. 6).
3. Amendment of section and NOTE filed 6-6-2008; operative 6-6-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 23).

§ 210. Test Specimens.

Specimens submitted to laboratories for testing shall be from regular production. Acceptance for listing will not be considered on the basis of any examination of hand made equipment or products.

NOTE: Authority cited: Section 13144.4, Health and Safety Code. Reference: Section 13144.1, Health and Safety Code.

HISTORY

1. Change without regulatory effect transferring and reorganizing Subchapter 1 (Article 1.5, Sections 1.49-1.63) as Subchapter 1.5 (Articles 1-8, Sections 200-217) filed 5-28-86; effective thirtieth day thereafter (Register 86, No. 22).

§ 211. Publication of Submitted Data.

The State Fire Marshal reserves the right to publish all or any part of any test report or technical data submitted relating to a listed material, equipment, or portable gasoline container. Manufacturing processes, ingredients or compounds of materials, equipment, or portable gasoline container shall not be matters of public record.

NOTE: Authority cited: Sections 13139 and 13144.4, Health and Safety Code. Reference: Sections 13139 and 13144.1, Health and Safety Code.

HISTORY

1. Change without regulatory effect transferring and reorganizing Subchapter 1 (Article 1.5, Sections 1.49-1.63) as Subchapter 1.5 (Articles 1-8, Sections 200-217) filed 5-28-86; effective thirtieth day thereafter (Register 86, No. 22).
2. Amendment of section and NOTE filed 6-6-2008; operative 6-6-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 23).

Article 4. Labels

§ 212. Labels.

(a) Every material, equipment, or portable gasoline container which is listed by the State Fire Marshal, shall bear a label conforming to the provisions of this section. Labels shall be placed in a conspicuous location and shall be attached or embossed by the manufacturer during production or fabrication.

EXCEPTIONS:

- (1) Packaged, bundled or bagged materials, equipment, or portable gasoline container may have such label placed upon the wrapping or boxing material.
- (2) Materials, equipment, or portable gasoline container which bear the label of an approved testing organization, provided such organization conducts factory inspections of the material and workmanship during fabrication and assembly.
- (3) Fire-resistive designs as shown in the published listing.
- (4) Upon written request, the State Fire Marshal may exempt specified materials, equipment, or portable gasoline container from the labeling requirement provided such labeling is impractical or impossible. In such cases however, sufficient evidence shall be furnished indicating the means by which said materials, equipment, or portable gasoline container may be reasonably identified.

(b) Size. Labels shall be of sufficient size to render all data specified thereon, clear and legible.

(c) Color. Attached labels shall be of contrasting color to the material, equipment, or portable gasoline container to which it is attached.

(d) Format. Labels shall be produced or obtained by the listees and such label shall be of the following configuration.



(1) Insert in or above the top scroll the item listed. Examples: "Automatic Door"—"Fire Damper."

(2) Insert in the top scroll the name and address of the listee.

(3) In the bottom scroll insert the Listing Number issued by the State Fire Marshal and all other data as may be specified by the State Fire Marshal dependent upon the product and its intended use. Rated assemblies used to protect openings in fire-resistive designs shall indicate the fire-resistive rating thereof and the type of design in which the product is intended to be installed, i.e., "1-HR-CEILING."

(e) Material. Labels may be of any durable material and shall be for label attached to the listed material, equipment, or portable gasoline container in such a manner that any removal will cause destruction of the label.

(f) Approval. Prior to the use of any label, the listee shall submit to the State Fire Marshal a sample of each label intended to be used with any listed product. Labels shall not be used until written approval therefore has been received from the State Fire Marshal.

(g) Illegal Use. No person shall attach any label conforming to the provisions of this section to any product which is not listed by the State Fire Marshal.

(h) Inspection Service. Every listee using the label described in this section shall provide for the inspection service specified in Section 215.

NOTE: Authority cited: Sections 13139 and 13144.4, Health and Safety Code. Reference: Sections 13139 and 13144.1, Health and Safety Code.

HISTORY

1. Change without regulatory effect transferring and reorganizing Subchapter 1 (Article 1.5, Sections 1.49–1.63) as Subchapter 1.5 (Articles 1–8, Sections 200–217) filed 5–28–86; effective thirtieth day thereafter (Register 86, No. 22).
2. Amendment of section and NOTE filed 6–6–2008; operative 6–6–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 23).

Article 5. Laboratory Accreditation

§ 213. Approved Testing Organization.

(a) Qualifications. It shall be incumbent upon persons, firms, corporations, or associations desiring approval as a testing organization to corporations, or associations desiring approval as a testing organization to initiate a request and present to the State Fire Marshal evidence of their qualifications which in the judgement of the State Fire Marshal is sufficient to grant approval. For the purposes of this article, an approved testing organization shall mean any person, firm, corporation, or association which conforms to all of the following:

(1) Equipped or has access to facilities which are equipped to perform tests in accordance with the required test procedures.

(2) Organizations which employ personnel who are qualified for testing. Evidence of such qualifications may include persons who are registered engineers in an appropriate discipline.

(3) Approved by the State Fire Marshal.

(b) Discontinued Approvals. Approvals granted to any testing organization either prior to or after the effective date of this section may continue in effect unless rescinded by the State Fire Marshal for cause.

(c) Affidavit. The applicant requesting approval shall submit a notarized affidavit to the effect that:

(1) The applicant and the testing organization has no financial interest in any company manufacturing or distributing any portion of the products to be tested or inspected.

(2) The testing organization is not owned, operated or controlled by any company manufacturing or distributing any portion of the products to be tested or inspected.

(d) Sample Test Reports. The applicant shall submit sample copies of typical test reports to demonstrate their completeness and compliance with requirements of the test standard.

(e) Inspections. Test facilities shall be subject to periodic unannounced inspections to verify the adequacy of existing test equipment, test methods, certifications and personnel. If the inspection reveals non-compliance, the State Fire Marshal may rescind his approval and remove the laboratory from the list.

(f) Change of Status. Approved testing organizations shall notify the State Fire Marshal at his Sacramento address of any of the following occurrences within 30 days of such events. Notification shall be in writing.

(1) Any change in name or address.

(2) Any change in major test equipment or procedures.

(3) Changes in principal officers or in supervisory and responsible personnel.

NOTE: Authority cited: Section 13144.4, Health and Safety Code. Reference: Section 13144.1, Health and Safety Code.

HISTORY

1. Change without regulatory effect transferring and reorganizing Subchapter 1 (Article 1.5, Sections 1.49–1.63) as Subchapter 1.5 (Articles 1–8, Sections 200–217) filed 5–28–86; effective thirtieth day thereafter (Register 86, No. 22).

§ 214. Testing Equipment.

(a) General. Testing equipment used or intended to be used to determine the fire-resistive rating or classification of any material, equipment, or portable gasoline container to be listed by the State Fire Marshal, shall be inspected and evaluated by the State Fire Marshal to determine conformance with the required conditions for such testing equipment as set forth in the appropriate test standard.

EXCEPTION: Testing equipment, or identical replacements thereof, approved prior to July 1, 1971.

(b) Maintenance. All testing equipment shall be maintained in good repair and devoid of any defect which would affect the fire-resistive rating

or classification of any material, equipment, or portable gasoline container to be tested.

(c) Cost of Service. Any testing organization which desires approval for lab certification pursuant to Section 213, shall be liable for the necessary advance arrangements for all costs incurred by one representative of the State Fire Marshal in conducting any service rendered under Section 214(a) above.

NOTE: Authority cited: Sections 13139 and 13144.4, Health and Safety Code. Reference: Sections 13139 and 13144.1, Health and Safety Code.

HISTORY

1. Change without regulatory effect transferring and reorganizing Subchapter 1 (Article 1.5, Sections 1.49–1.63) as Subchapter 1.5 (Articles 1–8, Sections 200–217) filed 5–28–86; effective thirtieth day thereafter (Register 86, No. 22).
2. Amendment of section and NOTE filed 6–6–2008; operative 6–6–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 23).

Article 6. Inspection Agency Accreditation

§ 215. Inspection Agency.

(a) General. An approved inspection service agency is any person, firm, corporation, or association which periodically and on a continuous basis, conducts inspections of listed materials, equipment, or portable gasoline container to determine if the production line fabrication and workmanship is in accordance with the conditions of listing. It shall be incumbent upon persons, firms, corporations, or associations desiring approval as an inspection service agency to initiate a request and present to the State Fire Marshal evidence of their qualifications which in the judgment of the State Fire Marshal is sufficient to grant approval.

(b) Qualifications. Qualifications for acceptance as an approved inspection service agency shall include any person, firm, corporation, or association which conforms to all of the following:

(1) Employs personnel who are qualified for testing. Evidence of such qualifications may include persons who are registered engineers in an appropriate discipline.

(2) Approved by the State Fire Marshal.

(c) Discontinued Approvals. Approvals granted to any inspection service agency either prior to or after the effective date of this section may continue in effect unless rescinded by the State Fire Marshal for cause.

(d) Affidavit. The applicant requesting approval shall submit a notarized affidavit to the effect that:

(1) The applicant and the inspection service agency has no financial interest in any company manufacturing or distributing any portion of the products to be inspected, and

(2) The inspection service agency is not owned, operated or controlled by any company manufacturing or distributing any portion of the products to be inspected.

(e) Frequency of Service. Inspections by an approved inspection agency shall be made of the production of every material, equipment, or portable gasoline container as stipulated in Section 215(a), not less than 4 times each calendar year. Such inspections shall be on an unannounced basis.

EXCEPTION: When written approval is granted by the State Fire Marshal, the inspection frequency rate may be amended in specific cases to correspond more appropriately with production schedules.

(f) Reports. Reports shall be made by the approved inspection service agency of every inspection made, the original of which shall be submitted to the listee and a copy thereof submitted to the State Fire Marshal within 30 days of inspection.

(g) Sample Inspection Reports. The applicant shall submit sample copies of typical inspection reports to demonstrate their completeness and ability to reflect compliance with requirements of the test standard.

(h) Change of Status. Approved inspection service agencies shall notify the State Fire Marshal at the Sacramento address of any of the following occurrences within 30 days of such events. Notification shall be in writing.

(1) Any change in name or address.

(2) Any change in inspection forms or procedures.

(3) Changes in principal officers or in supervisory and responsible personnel.

NOTE: Authority cited: Sections 13139 and 13144.4, Health and Safety Code. Reference: Sections 13139 and 13144.1, Health and Safety Code.

HISTORY

1. Change without regulatory effect transferring and reorganizing Subchapter 1 (Article 1.5, Sections 1.49–1.63) as Subchapter 1.5 (Articles 1–8, Sections 200–217) filed 5–28–86; effective thirtieth day thereafter (Register 86, No. 22).
2. Amendment of subsections (a), (e) and (h) and NOTE filed 6–6–2008; operative 6–6–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 23).

Article 7. Fees

§ 216. Fees.

- (a) Original Submittals:
 - (1) Application Fee \$170.00
 - (2) Listing Fee \$150.00
 - (b) Renewal Application:
 - (1) Listing Fee \$150.00
 - (c) Revision Fee:
 - (1) With Evaluation \$200.00
 - (2) Without Evaluation \$25.00
- The fee for listing fire alarm system or device shall be:
- (d) Original Submittals:
 - (1) Application Fee \$170.00
 - (2) Listing Fee \$150.00
 - (e) Renewal Applications
 - (1) Listing Fee \$150.00
 - (f) Revision Fee:
 - (1) With Evaluation \$200.00
 - (2) Without Evaluation \$25.00

(g) Disposition of Fees. Application and listing fees shall be submitted simultaneously with each original application for listing. If the material, equipment, or portable gasoline container is not found to be in conformance with the provisions of these regulations, the listing fee shall be returned to the applicant. The application fee shall be retained by the State Fire Marshal to offset the costs incurred through evaluation of the material, equipment, or portable gasoline container.

(h) Listing and Period. Listing fees shall be for the term of a fiscal year between July 1 and June 30, or for any portion thereof.

NOTE: Authority cited: Sections 13139, 13144.2 and 13144.4, Health and Safety Code. Reference: Sections 13139, 13144.2 and 13144.3, Health and Safety Code.

HISTORY

1. Change without regulatory effect transferring and reorganizing Subchapter 1 (Article 1.5, Sections 1.49–1.64) as Subchapter 1.5 (Articles 1–8, Sections 200–217) filed 5–28–86; effective thirtieth day thereafter (Register 86, No. 22).
2. Amendment of subsections (a), (b), (d) and (e) filed 9–15–89; operative 10–15–89 (Register 89, No. 8).
3. Amendment of subsections (a), (b), (d) and (e) filed 2–27–2001; operative 2–27–2001 pursuant to Government Code section 11343.4 (Register 2001, No. 9).
4. Amendment of subsection (g) and NOTE filed 6–6–2008; operative 6–6–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 23).

Article 8. Penalties and Violations

§ 217. Violations.

No person, firm, corporation, or association shall knowingly or intentionally represent any material, equipment, or portable gasoline container as being approved and listed by the State Fire Marshal when such material, equipment, or portable gasoline container is not so approved and listed. Such misrepresentation shall constitute a violation within the meaning of Section 13112, Health and Safety Code.

NOTE: Authority cited: Sections 13139 and 13144.4, Health and Safety Code. Reference: Sections 13139 and 13144.1, Health and Safety Code.

HISTORY

1. Change without regulatory effect transferring and reorganizing Subchapter 1 (Article 1.5, Section 1.49–1.63) as Subchapter 1.5 (Articles 1–8, Sections 200–217) filed 5–28–86; effective thirtieth day thereafter (Register 86, No. 22).
2. Amendment of section and NOTE filed 6–6–2008; operative 6–6–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 23).

Chapter 2. Tents, Awnings and Other Fabric Enclosures

Article 1. General Provisions

§ 300. Title. As Such and Will Be Referred to Herein As "These Regulations."

NOTE: Authority cited: Section 11349.1, Government Code.

HISTORY

1. Repealer of Subchapter 2 (Sections 451–531, not consecutive) and new Subchapter 2 (Sections 300–341, not consecutive) filed 3–2–79; effective thirtieth day thereafter (Register 79, No. 9). For prior history, see Registers 77, Nos. 45 and 51; 75, No. 51; 67, No. 5; 10, No. 3; 4. Originally printed: 8–13–45.
2. Repealer filed 10–4–84; effective thirtieth day thereafter (Register 84, No. 40).

§ 301. Authority.

NOTE: Authority cited: Section 11349.1, Government Code.

HISTORY

1. Amendment filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48).
2. Repealer filed 10–4–84; effective thirtieth day thereafter (Register 84, No. 40).

§ 302. Purpose.

NOTE: Authority cited: Section 11349.1, Government Code.

HISTORY

1. Repealer filed 10–4–84; effective thirtieth day thereafter (Register 84, No. 40).

§ 303. Scope.

(a) The provisions of this subchapter apply to the sale, offering for sale, manufacture for sale, rental and use of tents within this state.

(b) For building standards relating to tents and membrane structures, see Chapter 2–55, Part 2, Title 24, CAC.

NOTE: Authority cited: Section 13116, Health and Safety Code. Reference: Sections 13115–13116, Health and Safety Code.

HISTORY

1. Amendment filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48).

[The next page is 25.]



2. Repealer and new section filed 10-4-84; effective thirtieth day thereafter (Register 84, No. 40).

§ 304. Validity.

NOTE: Authority cited: Section 11349.1, Government Code.

HISTORY

1. Repealer filed 10-4-84; effective thirtieth day thereafter (Register 84, No. 40).

§ 305. Local Ordinances.

NOTE: Authority cited: Section 11349.1, Government Code.

HISTORY

1. Repealer filed 10-4-84; effective thirtieth day thereafter (Register 84, No. 40).

§ 306. Enforcing Authority.

NOTE: Authority cited: Section 11349.1, Government Code.

HISTORY

1. Repealer filed 10-4-84; effective thirtieth day thereafter (Register 84, No. 40).

§ 307. Alternate Means of Protection.

NOTE: Authority cited: Section 13116, Health and Safety Code. Reference: Sections 13115, 13116 and 13119, Health and Safety Code.

HISTORY

1. Repealer filed 11-27-79; effective thirtieth day thereafter (Register 79, No. 48).

Article 2. Definitions

§ 310. Definitions.

(a) Tent. A shelter, structure or enclosure made of fabric or similar pliable material.

(b) Large Tent. A tent designed for use by 10 or more people.

(c) Small Tent. A tent designed for use by less than 10 people.

NOTE: Authority cited: Section 13116, Health and Safety Code. Reference: Sections 13115-13116, Health and Safety Code.

HISTORY

1. Repealer filed of Article 2 (Section 310) 11-27-79; effective thirtieth day thereafter (Register 79, No. 48).

2. New Article 2 (Section 310) filed 10-4-84; effective thirtieth day thereafter (Register 84, No. 40).

Article 3. Tents Having an Occupant Load of Ten or More

§ 311. General.

NOTE: Authority cited: Section 13116, Health and Safety Code. Reference: Sections 13115, 13116 and 13119, Health and Safety Code.

HISTORY

1. Repealer filed 11-27-79; effective thirtieth day thereafter (Register 79, No. 48).

§ 312. Parking of Vehicles.

Vehicles necessary to the operation of the establishment, shall be parked at least twenty feet (20') from any tent. No other vehicle shall be parked less than one hundred feet (100') from any tent except vehicles parked on a public street shall park at least twenty feet (20') from any tent.

NOTE: Authority cited: Section 13116, Health and Safety Code. Reference: Sections 13115 and 13116, Health and Safety Code.

HISTORY

1. Amendment filed 8-7-85; effective thirtieth day thereafter (Register 85, No. 32).

§ 313. Location of Tents.

NOTE: Authority cited: Section 13116, Health and Safety Code. Reference: Sections 13115, 13116 and 13119, Health and Safety Code.

HISTORY

1. Repealer filed 11-27-79; effective thirtieth day thereafter (Register 79, No. 48).

§ 314. Structural Requirements.

NOTE: Authority cited: Section 13116, Health and Safety Code. Reference: Sections 13115, 13116 and 13119, Health and Safety Code.

HISTORY

1. Repealer filed 11-27-79; effective thirtieth day thereafter (Register 79, No. 48).

§ 315. Flame Resistance Standards.

(a) All tent fabrics and all interior decorative fabrics or materials shall be flame resistant in accordance with appropriate standards set forth in Subchapter 8 of these regulations.

Tent tops and sidewalls shall be made either from fabric which has been flame resistant treated with an approved exterior chemical process by an approved application concern, or from inherently flame resistant fabric approved and listed by the State Fire Marshal.

(b) Sawdust, shavings, or other combustible material used on the floor or ground shall be made flame resistant or when approved by the enforcing authority shall be kept adequately damp when tent is occupied.

(c) (Repealed)

(d) Certificates of Flame Resistance or other documentation affirming the requirements of subsection (a) of this section shall be made available upon request of the enforcement authority.

NOTE: Authority cited: Section 13116, Health and Safety Code. Reference: Sections 13115, 13116 and 13119, Health and Safety Code.

HISTORY

1. Amendment filed 6-25-85; effective thirtieth day thereafter (Register 85, No. 26).

§ 316. Smoking Prohibited.

Smoking is not permitted in any tent, and in any adjacent areas where hay or other highly flammable materials are kept. "No Smoking" signs shall be conspicuously posted in all tents open to the public and wherever otherwise specified by the enforcing authority.

NOTE: Authority cited: Section 13116, Health and Safety Code. Reference: Sections 13115-13116 and 13119, Health and Safety Code.

HISTORY

1. Amendment filed 10-4-84; effective thirtieth day thereafter (Register 84, No. 40).

§ 317. Fireworks and Open Flames.

Fireworks, open flame or any device emitting flame or spark shall not be used in or immediately adjacent to any tent while open to the public, except when approved in writing by the enforcing authority.

NOTE: Authority cited: Section 13116, Health and Safety Code. Reference: Sections 13115, 13116 and 13119, Health and Safety Code.

HISTORY

1. Amendment filed 6-25-85; effective thirtieth day thereafter (Register 85, No. 26).

§ 318. Toy Balloons.

NOTE: Authority cited: Section 11349.1, Government Code.

HISTORY

1. Repealer filed 10-4-84; effective thirtieth day thereafter (Register 84, No. 40).

§ 319. Fire Extinguishers and Other Fire Protection Equipment.

(a) One Class 2-A fire extinguisher shall be provided in every tent having a floor area between 500 square feet and 1,000 square feet plus one 2-A fire extinguisher in each auxiliary adjacent tent. One additional extinguisher shall be provided for each additional 2000 square feet or fraction thereof.

(b) At least one Class 10 B-C fire extinguisher shall be provided with each generator or transformer.

(c) At least one Class 10 B-C fire extinguisher shall be provided in kitchen, dining areas, and at locations where flammable or combustible liquids or flammable gases are used, stored, or dispensed.

(d) Tents having a capacity of 1,000 or more persons shall be protected on each of the long sides with fire hose lines of at least 1 1/2 inch internal diameter and of sufficient length to reach either end of the tent. The water supply shall be either from the public water mains or from tanks having a capacity of not less than 500 gallons. There shall be at least 65 pounds of flowing pressure at the nozzle of the hose line when a 1/2 inch tip is used.

(e) The enforcing authority may modify or waive any of the requirement of this section and may accept other types of fire extinguishing

equipment in lieu of that required by these regulations if, in the authorities' opinion, reasonable and adequate protection will be afforded.

NOTE: Authority cited: Section 13116, Health and Safety Code. Reference: Sections 13115, 13116 and 13119, Health and Safety Code.

HISTORY

1. Amendment filed 8-7-85; effective thirtieth day thereafter (Register 85, No. 32).

§ 320. Fire Safety Personnel.

The owners or operators of any tent used as a place of assemblage shall provide at least one qualified fire safety person in every tent having a capacity of 500 persons and one additional qualified person for each 1,000 additional persons or fraction thereof. Such persons shall be on duty in the tent at all times when the tent is open to the public. They shall be proficient in the handling of fire extinguishers and equipment and shall be familiar with the fire and panic safety regulations. The individual designated under this section shall meet the approval of the fire authority having jurisdiction.

EXCEPTION: The enforcing authority may waive or modify the provisions of this section if, in his opinion, public safety will not be jeopardized.

NOTE: Authority cited: Section 13116, Health and Safety Code. Reference: Sections 13115-13116 and 13119, Health and Safety Code.

HISTORY

1. Amendment filed 10-4-84; effective thirtieth day thereafter (Register 84, No. 40).

§ 321. Abatement of Fire or Panic Hazards.

Any condition that presents a fire hazard, would contribute to the rapid spread of fire, interfere with the rapid exit of persons from the tents, or interfere with or delay the extinguishment of a fire, shall be immediately corrected as ordered by the enforcing authority.

NOTE: Authority cited: Section 13116, Health and Safety Code. Reference: Sections 13115-13116 and 13119, Health and Safety Code.

HISTORY

1. Amendment filed 10-4-84; effective thirtieth day thereafter (Register 84, No. 40).

§ 322. Exit Requirements.

NOTE: Authority cited: Section 13116, Health and Safety Code. Reference: Sections 13115, 13116 and 13119, Health and Safety Code.

HISTORY

1. Repealer filed 11-27-79; effective thirtieth day thereafter (Register 79, No. 48).

§ 323. Heating Equipment.

NOTE: Authority cited: Section 13116, Health and Safety Code. Reference: Sections 13115, 13116 and 13119, Health and Safety Code.

HISTORY

1. Repealer filed 11-27-79; effective thirtieth day thereafter (Register 79, No. 48).

§ 324. Flammable and Combustible Liquids.

(a) Liquids having a flash point below 200°F shall not be stored in any tent nor less than 50 feet from any tent.

(b) Flammable or combustible liquids shall be stored and dispensed in accordance with the provisions of the 2001 Edition of the California Fire Code, Article 79. The enforcing authority may permit limited quantities of flammable or combustible liquids required for display and normal merchandizing.

NOTE: Authority cited: Section 13116, Health and Safety Code. Reference: Sections 13115, 13116 and 13119, Health and Safety Code.

HISTORY

1. Amendment filed 6-25-85; effective thirtieth day thereafter (Register 85, No. 26).

2. Amendment of subsection (b) filed 10-28-2004; operative 10-28-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 44).

§ 325. Liquefied Petroleum Gas.

Liquefied petroleum gas shall not be stored or used in connection with any tent unless the storage containers, equipment, fittings, appliances, placement, use and operation complies with the provisions of Article 5, Subchapter 1, Chapter 4, Title 8, California Administrative Code.

NOTE: Authority cited: Section 13116, Health and Safety Code. Reference: Sections 13115-13116 and 13119, Health and Safety Code.

HISTORY

1. Amendment filed 10-4-84; effective thirtieth day thereafter (Register 84, No. 40).

§ 326. Hazard Abatement.

(a) All flammable vegetation within 50 feet of any tent shall be removed.

(b) Hay, straw, trash and other similar flammable material shall be stored more than 50 feet from any tent except upon approval of the enforcing authority.

EXCEPTION: Tents to which the public is not admitted.

(c) Combustible waste shall not be permitted to accumulate on the grounds either inside or outside of tents. Such waste shall be stored in approved containers until removed from the premises.

NOTE: Authority cited: Section 13116, Health and Safety Code. Reference: Sections 13115-13116, and 13119, Health and Safety Code.

HISTORY

1. Amendment filed 10-4-84; effective thirtieth day thereafter (Register 84, No. 40).

Article 4. Flame Resistance and Labeling, All Tents

§ 332. Flame Resistance.

(a) All tents manufactured for sale, sold, rented, offered for sale, or used in California shall be made from nonflammable material or one of the following flame resistant fabrics or material approved by the State Fire Marshal:

(1) Fabrics complying with the State Fire Marshal's requirements for flame resistance for exterior use, as set forth in Subchapter 8, or,

(2) Fabrics complying with the flame resistance requirements set forth in "A Specification for Flame Resistant Materials Used in Camping Tentage" published in 1975 by Canvas Products Association International, hereinafter referred to as CPAI-84.

EXCEPTIONS:

(1) Tents used for committal services at cemeteries

(2) Tents or similar fabric enclosures used within a sound stage or equivalent enclosure equipped with an overhead automatic fire extinguishing system.

NOTE: Authority cited: Section 13116, Health and Safety Code. Reference: Sections 13115-13116 and 13119, Health and Safety Code.

HISTORY

1. Renumbering of former Article 5 (Sections 332 and 333) and former Article 6 (Sections 334 and 335) to new Article 4 (Sections 332-335, not consecutive) filed 10-4-84; effective thirtieth day thereafter (Register 84, No. 40). For history of former Article 4, see Register 79, No. 48.

§ 333. Labeling.

NOTE: Authority cited: Section 11349.1, Government Code.

HISTORY

1. Repealer filed 10-4-84; effective thirtieth day thereafter (Register 84, No. 40).

§ 334. Requirements Pertaining to All Tents.

All tents manufactured for sale in California shall be labeled in accordance with the appropriate provisions of Section 335.

NOTE: Authority cited: Section 13116, Health and Safety Code. Reference: Sections 13115-13116, and 13119, Health and Safety Code.

HISTORY

1. Amendment filed 10-4-84; effective thirtieth day thereafter (Register 84, No. 40).

§ 335. Labeling of Tents.

(a) Each section of top and sidewall in large tents shall have a durable label, permanently affixed, bearing the following information:

(1) The Seal of Registration.

(2) If treated fabric, the name and registration number of the approved application concern and approved chemical used, and the date of treatment.

(3) If registered fabric, the trade name and registration number of the approved fabric, and the date of production.

In lieu of attached labels, the required information may be applied directly to the fabric by print, stamp or stencil.

(b) Small tents shall have a permanently affixed label bearing the information in subsection (a), or shall comply with the provisions specified in CPAI-84 (1975) which reads as follows:

(1) Certification. A statement that the materials used in the manufacturer of the item meet the flame resistance requirements of CPAI-84.

(2) Manufacturer Identification. An identification of the manufacturer of the item. If the item bears a private label, it shall identify the private labeler and shall also contain a code mark which will permit the seller of the item to identify the manufacturer to the purchaser upon request.

(3) Code Number. A number enabling the manufacturer to identify from his records the suppliers and suppliers' lot numbers of the certified materials used in the item. The manufacturer shall also maintain records identifying the parties to whom he sold camping tentage. Further, he shall maintain records identifying items manufactured from lots of certified material. Records shall be maintained for four (4) years.

(4) Warning Label.

24 pt. type

WARNING

16 pt. type

**KEEP ALL FLAME AND
HEAT SOURCES AWAY
FROM THIS TENT FABRIC**

12 pt. type

This tent is made with flame resistant fabric which meets CPAI-84 specifications. It is not fire proof. The fabric will burn if left in continuous contact with any flame source.

The application of any foreign substance to the tent fabric may render the flame resistant properties ineffective.

This warning label or its equivalent must be permanently affixed to the tent at one conspicuous location, and must contain block letters on a white background. The first paragraph of the body of the label must be placed in a conspicuous location on each carton containing the tent.

NOTE: Authority cited: Section 13116, Health and Safety Code. Reference: Sections 13115-13116 and 13119, Health and Safety Code.

HISTORY

1. Amendment filed 10-4-84; effective thirtieth day thereafter (Register 84, No. 40).

Article 5. Existing Tents

§ 340. Existing Small Tents.

Existing small tents are exempt from this subchapter.

NOTE: Authority cited: Section 13116, Health and Safety Code. Reference: Sections 13115-13116 and 13119, Health and Safety Code.

HISTORY

1. Renumbering of former Article 5 (Sections 332 and 333) to Article 4 (Sections 332-335, not consecutive) and renumbering of former Article 7 (Sections 340 and 341) to new Article 5 (Sections 340 and 341) filed 10-4-84; effective thirtieth day thereafter (Register 84, No. 40).

§ 341. Existing Membrane Structures and Other (Large) Existing Tents.

Existing membranes of membrane structures and large (10 or more capacity) existing tents may continue to be used provided evidence of satisfactory flame resistance is available to the enforcing authority. Such evidence may be in the form of certification that the fabric passes the standard small scale flame resistance test as set forth in these regulations or through passage of effective field tests.

NOTE: Authority cited: Section 13116, Health and Safety Code. Reference: Sections 13115-13116 and 13119, Health and Safety Code.

HISTORY

1. Amendment filed 10-4-84; effective thirtieth day thereafter (Register 84, No. 40).

Chapter 3. Fire Extinguishers

Article 1. Administration

§ 550. Authority.

Chapter 3, Division 1 of Title 19 of the California Code of Regulations is adopted by the State Fire Marshal under the authority of Division 12, Part 2, Chapter 1.5, Section 13160, et seq. of the Health and Safety Code of the State of California.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Sections 13160-13169, Health and Safety Code.

HISTORY

1. New subchapter 3 (§§ 550 through 631.2) filed 3-20-62; effective thirtieth day thereafter (Register 62, No. 6). For history of former subchapter 3, see Register 18, No. 3.
2. Repealer of subchapter 3 (sections 550 through 631.2) and new subchapter 3 (sections 550 through 621) filed 11-4-63 as an emergency; effective upon filing (Register 63, No. 21). Certificate of Compliance—section 11422.1, Government Code, included.
3. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
4. Amendment filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
5. Amendment filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 550.1. Title.

These regulations and standards shall be known as the "Regulations and Standards of the State Fire Marshal," may be cited as such, and will be hereinafter referred to as "these regulations."

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Sections 13160-13169, Health and Safety Code.

HISTORY

1. Adoption of NOTE filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 550.2. Purpose.

The purpose of these regulations and standards is to provide means to register persons who service portable fire extinguishers; to license concerns engaging in the business of servicing portable fire extinguishers; to license private and public entities not engaged in the business and their designated employees who service their own portable fire extinguishers; and to regulate the care, maintenance, placement, frequency of servicing, charging and testing of portable fire extinguishers.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Sections 13160, 13163 and 13175, Health and Safety Code.

HISTORY

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Amendment filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
3. Amendment filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 550.3. Scope.

These regulations apply to the sale and servicing of all portable fire extinguishers as outlined in Sections 13160, 13162, 13175, 13183, 13190.1, 13190.2, 13190.3, Health and Safety Code.

EXCEPTIONS:

These regulations do not apply to nor control the servicing of:

- (a) Permanently installed automatic fire extinguishing systems or portions thereof;
- (b) Owner serviced portable fire extinguishers as provided in Section 13175.1, Health and Safety Code, and;
- (c) Portable fire extinguishers owned and serviced by the Federal Government.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Sections 13160, 13161, 13162, 13163, 13165, 13183, 13190, 13190.2 and 13190.3, Health and Safety Code.

HISTORY

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Amendment filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 550.4. Notices.

Any notice by the State Fire Marshal and required by any provisions of the statutes or of these regulations, may be given by certified or regis-

tered mail, postage prepaid, addressed to the person to be notified, at his last known address of residence or business as it appears on the records in the Office of the State Fire Marshal.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Sections 13160–13169, Health and Safety Code.

HISTORY

1. New NOTE filed 3–4–92; operative 4–3–92 (Register 92, No. 15).

§ 550.5. Validity.

(a) If any article, section, subsection, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional, contrary to statute or exceeding the authority of the State Fire Marshal, such decision shall not affect the validity of the remaining portion of these regulations.

(b) If any article, section, subsection, sentence, clause or phrase of these regulations is for any reason held to be inoperative as it applies to any person or circumstance, such decision shall not affect its validity as it applies to any other person or circumstance.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Sections 13160–13169, Health and Safety Code.

HISTORY

1. New NOTE filed 3–4–92; operative 4–3–92 (Register 92, No. 15).

§ 550.6. Approval of Laboratories.

(a) Any laboratory desiring approval by the State Fire Marshal to perform testing and labeling of portable fire extinguishers shall submit proof of the following:

(1) The Laboratory possesses proper equipment necessary to perform tests according to the ANSI/UL standards listed in Section 561.2;

(2) Evidence of qualified personnel, meaning the employment of not less than one person who holds a degree in engineering or is registered as a Professional Engineer, and having not less than two years actual experience testing portable fire extinguishers in accordance with ANSI/UL Test Standards in Section 561.2.

(b) Laboratory personnel performing tests and not meeting the above requirements may perform such tests only under the direct supervision of a qualified person.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13162, Health and Safety Code.

HISTORY

1. Amendment of subsection (b) filed 8–8–75; effective thirtieth day thereafter (Register 75, No. 32).
2. Amendment of subsection (c) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 3–4–92; operative 4–3–92 (Register 92, No. 15).

§ 550.7. Standards for Fire Safety.

The phrase “Standards for Fire Safety” means compliance with Standards listed in Section 561.2(a).

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160, 13161, 13162, 13190.1 and 13190.3, Health and Safety Code.

HISTORY

1. Repealer and new section filed 3–4–92; operative 4–3–92 (Register 92, No. 15).

§ 550.8. Right of Entry.

HISTORY

1. Repealer filed 8–8–75; effective thirtieth day thereafter (Register 75, No. 32).

§ 550.9. Order of Precedence.

HISTORY

1. Repealer filed 3–4–92; operative 4–3–92 (Register 92, No. 15).

§ 550.10. Standards for Fire Safety.

HISTORY

1. Repealer filed 3–4–92; operative 4–3–92 (Register 92, No. 15).

§ 550.11. Enforcement.

HISTORY

1. Amendment filed 8–8–75; effective thirtieth day thereafter (Register 75, No. 32).
2. Repealer filed 3–4–92; operative 4–3–92 (Register 92, No. 15).

Article 2. Definitions

§ 557. Definitions.

For the purpose of this Chapter, the meaning of the following terms shall be as set forth in this article.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160–13190.4, Health and Safety Code.

HISTORY

1. Amendment filed 3–4–92; operative 4–3–92 (Register 92, No. 15).

§ 557.1. “A” Definitions.

(a) “Accurate Scales, Extinguisher Maintenance.

(1) An accurate scale for extinguishers with a gross weight of 60 lbs (27.24 kg) or less must have a minimum graduation not larger than 4 ounces (0.114 kg) and must be accurate to plus or minus 4 ounces (0.114 kg).

(2) An accurate scale for extinguishers with a gross weight of 61 lbs (27.69 kg) or more must be weighed on scales that have a minimum graduation not larger than 8 ounces (0.227 kg) and shall be accurate to plus or minus 8 ounces (0.227 kg).

(3) An accurate scale is one that can demonstrate accuracy by the use of a 10 lb. (4.54 kg) Class 7 test weight as defined by ASTM E617–97. The test weight shall accompany the scale at all times.

(4) Accurate scales must have a maximum weight that equals or exceeds the gross weight of any extinguishers being maintained.

(b) Accurate Scales, Cartridge Maintenance

(1) An accurate scale for weighing cartridges is one with a minimum graduation not larger than 1/100 of the cartridge being weighed and that is accurate to plus or minus one scale graduation.

(2) An accurate scale is one that can demonstrate accuracy by the use of a 1lb. (.454 kg) Class 7 test weight as defined by ASTM E617–97. The test weight shall accompany the scale at all times.

(c) Accurate Scales, commercial applications (legal for trade)

(1) An accurate scale for commercial applications is one that complies with Sections 12500(a) and 12501.1 of the California Business and Professions Code and Section 4000, Title 4 of the California Code of Regulations.

(d) AFFF. Aqueous Film Forming Foam.

(e) ANSI. American National Standards Institute, Inc.

(f) Approved. Refers to approval by the State Fire Marshal as a result of investigations or tests conducted or supervised by him, or by reason of tests by recognized testing laboratories, national authorities, technical or scientific organizations.

(g) Annual Maintenance. The type of fire extinguisher maintenance that is required to be performed annually, pursuant to Section 575.1. For annual maintenance, the year shall start on the first day maintenance is performed and end one calendar year later.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Sections 13166, 13172, 13174, 13179 and 13189, Health and Safety Code.

HISTORY

1. Amendment filed 3–4–92; operative 4–3–92 (Register 92, No. 15).
2. Amendment of subsection (d) filed 12–27–2001; operative 1–1–2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).
3. New subsections (a)–(c)(1), subsection relettering and amendment of newly designated subsection (d) filed 2–28–2007; operative 3–30–2007 (Register 2007, No. 9).

§ 557.2. “B” Definitions.

None.

§ 557.3. “C” Definitions.

(a) Capacity. The amount of extinguishing agent contained in any portable fire extinguisher as measured in U.S. gallons, pounds, or S.I. units (See Sec. 557.19).

(b) Cartridge operated fire extinguishers. Extinguishers in which expellant gas is stored in a separate cartridge or in a gas cylinder located within or adjacent to the shell containing the extinguishing agent. These extinguishers are actuated by releasing the cartridge gas which expels the agent.

(c) Certificate of Registration. A document issued by the State Fire Marshal to any qualified person authorizing that person to perform any specific act.

(d) Charge. Any substance or compound of substances used as an extinguishing agent, or as an expellant force for an extinguishing agent.

(e) Charging. The act of placing any "charge" within any portable fire extinguisher.

(f) Chemical. Any substance or compound of substances used as an extinguishing agent or as an expellant force for an extinguishing agent.

(g) Classes of fire:

(1) CLASS A. Fires in ordinary combustible materials, such as wood, cloth, paper, rubber, and many plastics.

(2) CLASS B. Fires in flammable or combustible liquids, such as oils, greases, tars, oil base paints, lacquers, and flammable gases.

(3) CLASS C. Fires involving energized electrical equipment when electrical non-conductivity of the extinguishing media is of importance.

(4) CLASS D. Fires in combustible metals, such as magnesium, titanium, sodium, lithium, and potassium.

(5) CLASS K. Fires in cooking appliances that involve combustible cooking media (vegetable or animal oils and fats).

(h) Compressed Gas Cylinders. Compressed gas cylinders and cartridges are those containing any material or mixture having an absolute pressure exceeding 40 p.s.i. at 70 degrees Fahrenheit.

(i) Cylinder, D.O.T. Compressed gas cylinders and cartridges manufactured to D.O.T. standards which are either:

(1) High pressure—service pressure of 501 p.s.i.g. or higher at 70 degrees Fahrenheit and all cylinders containing carbon dioxide, and

(2) Low pressure—service pressure of 500 p.s.i.g. at 70 degrees Fahrenheit or lower.

(j) Cylinder, Non-D.O.T. Low pressure containers typically used for cylinder operated dry cylinder operated chemical, and pressurized water based type extinguishers.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13163–13164, 13174–13182, 13184–13186 and 13188–13189, Health and Safety Code.

HISTORY

1. Amendment filed 3–4–92; operative 4–3–92 (Register 92, No. 15).
2. New subsections (f) and (g)(5) filed 12–27–2001; operative 1–1–2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 557.4. "D" Definitions.

(a) D.O.T. United States Department of Transportation, which has jurisdiction over compressed gas cylinders and cartridges.

(b) Dry Chemical Closed Recovery System—A system that provides for the transfer of dry chemical agent between extinguishers and recovery containers that is closed to prevent the loss of agent to the atmosphere.

(c) Dry Powder. Solid materials in powder or granular form designed to extinguish Class D combustible metal fires by crusting, smothering, or heat transferring means.

(d) Dry Chemical. Various mixtures of finely divided solid particles additionally supplemented with special treatments to provide resistance to packing, moisture absorption (caking), and proper flow characteristics. These agents are designed for extinguishment of Class "A" and "B" fires. They are nonconductors and approved for use on energized Class C fire situations.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160 and 13162, Health and Safety Code.

HISTORY

1. Amendment filed 8–8–75; effective thirtieth day thereafter (Register 75, No. 32).
2. Amendment filed 3–4–92; operative 4–3–92 (Register 92, No. 15).
3. Repealer of subsection (b), subsection relettering and new subsections (c)–(d) filed 12–27–2001; operative 1–1–2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 557.5. "E" Definitions.

(a) "E" Number. Fire Extinguisher Concern License Number designated by the Office of the State Fire Marshal.

(b) "EE" Number. Certification of Registration Number designated by the Office of the State Fire Marshal to individuals qualified to perform specific acts of servicing fire extinguishers.

(c) Effectiveness. Having the ability to produce the desired extinguishing potential.

(d) Employee. Those persons who work directly for a licensed concern in the business of servicing portable fire extinguishers for a fee or are employed by and work directly for a public or private company not engaged in the business who service their own portable fire extinguishers.

(e) Empty. To completely remove all contents from a portable fire extinguisher except the expellant cartridge.

(f) Extinguisher. See Section 557.16(c), Portable Fire Extinguisher.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160–13164, 13170, 13174–13177, 13183, 13189, 13190.1 and 13190.3, Health and Safety Code.

HISTORY

1. Amendment filed 3–4–92; operative 4–3–92 (Register 92, No. 15).
2. Amendment filed 12–27–2001; operative 1–1–2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 557.6. "F" Definitions.

(a) Factory Test Pressure. The pressure at which the shell was tested at time of manufacture. This pressure is shown on the nameplate.

(b) FFFP. Film Forming Fluoroprotein Foam.

(c) F.M. Factory Mutual.

(d) Fire Department. For the purposes of these regulations, a department of state, county, districts, or municipal government, a separate tax-supported unit of government organized under special provisions of law or a privately organized unit located within an industrial facility providing fire protection service to the community or facility to prevent fires from starting, prevent loss of life and property when fire starts, confine fire to the place where it starts, and to extinguish fires.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160–13165, 13167–13169, 13172–13175, 13176–13178, 13180–13190.2 and 13190.4, Health and Safety Code.

HISTORY

1. Repealer of subsection (d) filed 8–8–75; effective thirtieth day thereafter (Register 75, No. 32).
2. Amendment filed 3–4–92; operative 4–3–92 (Register 92, No. 15).
3. Amendment of subsection (d) filed 12–27–2001; operative 1–1–2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 557.7. "G" Definitions.

(a) Gallon—U.S. Standard gallon or S.I. Units (See Section 557.19.)

(b) Gauge—U.S. Standard gauge or S.I. Units (See Section 557.19.)

(c) Give—Giving, offering to give or advertising the intent to give.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160 and 13162, Health and Safety Code.

HISTORY

1. Amendment filed 3–4–92; operative 4–3–92 (Register 92, No. 15).

§ 557.8. "H" Definitions.

(a) Halogenated Agents. Halogenated (clean) agents referenced in these regulations are of the following types:

(1) Halons. Halons include Bromochlorodifluoromethane (Halon 1211), bromotrifluoromethane (Halon 1301), and mixtures of Halon 1211 and Halon 1301 (Halon 1211/1301).

(2) Halocarbons. Halocarbon agents include hydrochlorofluorocarbon (HCFC), hydrofluorocarbon (HFC), perfluorocarbon (PFC), and fluoriodocarbon (FIC) types of agents.

(b) Halon Closed Recovery System. A system that provides for the transfer of halon between extinguishers, supply containers, and recharge and recovery containers in compliance with U.L. Standard 2006.

(c) Hydrostatic Test. Any pressure test procedure specified in this chapter.

(d) High Pressure Cylinder. High pressure cylinders and cartridges are those containing nitrogen or compressed air at service pressure higher than 500 p.s.i.g. at 70 degrees Fahrenheit, or carbon dioxide.

NOTE: Authority: Section 13150, Health and Safety Code. Reference: Sections 13160 and 13162, Health and Safety Code.

HISTORY

1. Amendment filed 3–4–92; operative 4–3–92 (Register 92, No. 15).
2. New subsections (a)–(a)(2) and subsection relettering filed 12–27–2001; operative 1–1–2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 557.9. “I” Definitions.

(a) Inspection. A “quick check” that a fire extinguisher is available and will operate. It is intended to give reasonable assurance that the fire extinguisher is fully charged and operable. This is done by verifying that the fire extinguisher is in its designated place, that it has not been actuated or tampered with, and that there is no obvious or physical damage or condition to prevent its operation.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13164 and 13173, Health and Safety Code.

HISTORY

1. Amendment filed 3–4–92; operative 4–3–92 (Register 92, No. 15).
2. Repealer and new section filed 12–27–2001; operative 1–1–2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).
3. Repealer of subsection (b) filed 11–21–2002; operative 1–1–2003 (Register 2002, No. 47).

§ 557.10. “J” Definitions.

None.

§ 557.11. “K” Definitions.

None.

§ 557.12. “L” Definitions.

(a) License. A document issued by the State Fire Marshal authorizing a concern at a fixed location to engage in the business of servicing fire extinguishers, or a public or private entity not engaged in the business of servicing fire extinguishers, to perform specific acts of servicing portable fire extinguishers (as specified in section 595.5).

(b) Licensee. A specific concern or a public or private entity to which a license has been issued by the State Fire Marshal.

(c) Listed. Equipment or materials included in a list published by a State Fire Marshal approved laboratory having a third party certification program for portable fire extinguishers which meets or exceeds ANSI/UL 1803, Standard for Factory Follow-up on Third Party Certified Portable Fire Extinguishers, 1st Edition, as determined by the State Fire Marshal.

(d) Listed Label. A tag, plate or band with legible information or symbols in accordance with the standards of Section 561.2 attached to a fire extinguisher cylinder, shell or shroud by the manufacturer.

(e) Loaded Stream Charge. A water-based extinguishing medium that uses an alkali metal salt as a freezing point depressant.

(f) Low pressure cylinder. Low pressure cylinders are those containing fire-extinguishing agent (medium), nitrogen, compressed air, or other compressed gases at a service pressure of 500 psi (3447 kPa) or lower at 70 degrees Fahrenheit (21 °C).

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13163–13169, 13171–13174, 13185 and 13188–13190, Health and Safety Code.

HISTORY

1. Amendment of subsection (a) filed 8–8–75; effective thirtieth day thereafter (Register 75, No. 32).
2. Amendment of subsections (a) and (b) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 3–4–92; operative 4–3–92 (Register 92, No. 15).
4. Amendment filed 12–27–2001; operative 1–1–2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 557.13. “M” Definitions.

(a) Maintenance. A thorough examination of the fire extinguisher done in accordance with the manufacturer’s written instructions and the requirements of this chapter. It is intended to give maximum assurance that a fire extinguisher will operate effectively and safely. Maintenance includes a thorough examination and any necessary repair or replacement. Maintenance will normally reveal if hydrostatic testing or internal maintenance is required.

(b) Marketing. The act of selling. [See Section 557.19 (a)].

(c) Mild steel shell. Except for stainless steel and steel used for high pressure cylinders, all other steel shells are defined as “mild steel” shells.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160 and 13162, Health and Safety Code.

HISTORY

1. Amendment filed 3–4–92; operative 4–3–92 (Register 92, No. 15).
2. Amendment of subsection (a) filed 12–27–2001; operative 1–1–2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 557.14. “N” Definitions.

(a) N.F.P.A. – The National Fire Protection Association.

(b) Nonrechargeable Fire Extinguisher. A nonrechargeable (nonrefillable) fire extinguisher is not capable of (nor intended to be capable of) undergoing complete maintenance, hydrostatic testing, and being restored to its full operating capability by the standard practices used by fire equipment dealers and distributors. Some fire extinguishers that are physically rechargeable are marked nonrechargeable and are therefore considered for purpose of this regulation to be nonrechargeable (nonrefillable) fire extinguishers.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. Amendment filed 3–4–92; operative 4–3–92 (Register 92, No. 15).
2. New subsection (b) filed 12–27–2001; operative 1–1–2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 557.15. “O” Definitions.

None.

HISTORY

1. Amendment of subsection (a) filed 8–8–75; effective thirtieth day thereafter (Register 75, No. 32).
2. Amendment filed 3–4–92; operative 4–3–92 (Register 92, No. 15).

§ 557.16. “P” Definitions.

(a) Part. Any component of a portable fire extinguisher except the extinguishing agent and charge.

(b) Part (Approved). Parts used in the maintenance and servicing of portable fire extinguishers shall be the manufacturer’s recommended replacement parts or parts of equal quality. Part, as used in this Chapter, does not include the extinguishing agent itself or the expellant in an extinguisher.

(c) Portable Fire Extinguisher. A manually actuated portable device carried, or mounted on wheels and operated by hand and which contains a fire extinguishing agent that can be expelled under any type of pressure for the purpose of suppressing or extinguishing fire.

(d) Pressurized Extinguisher—A portable fire extinguisher which maintains the expellant force and the extinguishing agent within the same or common cylinder.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160–13164, 13170, 13174–13177, 13183, 13183 and 13190.1–13190.3, Health and Safety Code.

HISTORY

1. Amendment filed 3–4–92; operative 4–3–92 (Register 92, No. 15).
2. Amendment of subsection (c) filed 12–27–2001; operative 1–1–2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 557.17. “Q” Definitions.

None.

§ 557.18. “R” Definitions.

(a) Rating. A numerical–alphabetical designation of a portable fire extinguisher which indicates the extinguishing potential (the number) and the class of fire (the letter) for which the extinguisher is suitable.

(b) Recognized Testing Laboratory. For the purpose of this article, a recognized testing laboratory shall mean any agency staffed by qualified personnel and properly equipped to conduct the particular test in question, and who are regularly engaged in conducting tests. Laboratories other than those specified in Section 13162(b) of the Health and Safety Code, shall be approved by the State Fire Marshal.

(c) Rechargeable (Refillable) Fire Extinguisher. A rechargeable (refillable) fire extinguisher is capable of undergoing complete maintenance, including internal inspection of the pressure vessel, replacement

of all sub-standard parts and seals, and hydrostatic testing. The fire extinguisher is capable of being recharged with agent and restored to its full operating capability by the standard practices used by licensed concerns. Rechargeable (refillable) fire extinguishers shall be marked "Recharge Immediately After Any Use" or with a similar equivalent marking.

(d) Recharging. The replacement of the extinguishing agent, also including the expellant for certain types of extinguishers.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13162 and 13189, Health and Safety Code.

HISTORY

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Amendment filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
3. Amendment of subsections (a) and (c) filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 557.19. "S" Definitions.

(a) Sell. Offer or expose for sale, barter, trade, deliver, give away, rent, consign, lease, market, distribute or possess with the intent to sell.

(b) Servicing. Includes one or more of the following:

- (1) maintenance;
- (2) recharging;
- (3) hydrostatic testing.

(c) Service Pressure. The normal operating pressures as indicated on the gauge or nameplate.

(d) Signature. The written signature of a person as it appears on the Application for Certificate of Registration. A rubber stamp of name or signature is not acceptable.

(e) S.I. Units. Metric units of measure in accordance with the International System of Units.

(f) Shall. Indicates a mandatory requirement.

(g) Should. Indicates a recommendation or that which is advised but not required.

(h) Stored Pressure Fire Extinguisher. A fire extinguisher in which both the extinguishing material and expellant gas are kept in a single container and that includes a pressure indicator or gauge.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160, 13162-13164, 13170, 13174-13177 and 13189-13190.2, Health and Safety Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
3. Amendment filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 557.20. "T" Definitions.

(a) Travel Distance. The actual walking distance from any point to the nearest fire extinguisher fulfilling "fire extinguisher hazard requirements".

HISTORY

1. Amendment filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. New subsection (a) filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 557.21. "U" Definitions.

(a) U.L. Underwriters' Laboratories, Incorporated.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13162, Health and Safety Code.

HISTORY

1. Amendment of subsection (b) filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Amendment filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
3. Amendment filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 557.22. "V" Definitions.

(a) Valid. Means a license or Certificate of Registration which has not been suspended, denied, or revoked and for which all appropriate fees have been tendered for the period involved.

(b) Vaporizing liquid. - A class of extinguishing agents possessing toxic properties which are prohibited for use in California. (Section 13162(c), Health and Safety Code.) These agents are Carbon Tetrachloride (CCl₄), Methyl Bromide (CH₃Br), Chlorobromomethane (CH₂ClBr), and Dibromo Tetrafluoroethane (C₂Br₂F₄).

(c) Vehicle. For the purposes of this Chapter, as defined in Vehicle Code Section 670 and includes vessels as defined in Harbors and Navigation Code Section 651, and aircraft as defined in Public Utilities Code Section 21012.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160 and 13162, Health and Safety Code.

HISTORY

1. Amendment filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment of subsection (b) filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 557.23. "W" Definitions.

(a) Water-Type Fire Extinguisher. A water-type fire extinguisher contains water-based agents, such as water, AFFF, FFFP, antifreeze, and loaded stream.

(b) Wet Chemical. Wet chemicals include, but are not limited to, aqueous solutions of potassium acetate, potassium carbonate, potassium citrate, or combinations of these materials.

(c) Wheeled Fire Extinguisher. For the purposes of this Chapter, wheeled fire extinguishers are considered portable fire extinguishers as defined in Section 557.16(c).

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. Amendment filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. New subsections (a) and (b) and subsection relettering filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).
3. Change without regulatory effect amending subsection (c) filed 7-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 30).

§ 557.24. "X" Definitions.

None.

§ 557.25. "Y" Definitions.

None.

§ 557.26. "Z" Definitions.

None.

Article 3. General Provisions

§ 560. General Provisions and Fee Schedule.

(a) No person shall engage in the servicing and maintenance of portable fire extinguishers under the scope of this chapter (Section 550.3) without having first submitted an application and all documents, necessary to demonstrate compliance with and having obtained a license from, the State Fire Marshal in accordance with the provisions of this chapter. Licenses shall be processed in accordance with Title 19, California Code of Regulations, Section 3.33.

(b) Every fire extinguisher concern license or certificate of registration fee required in accordance with the provisions of Section 13189 of the Health and Safety Code shall be paid in legal tender, or by money order or postal note, or valid personal check made payable to the "State Fire Marshal." Fee shall accompany each application for license or certificate of registration.

(c) Every fee shall be paid at or mailed to the Sacramento Headquarters Office of the State Fire Marshal.

(d) The original and annual renewal fee for any license or a certificate of registration issued pursuant to this chapter shall be as follows:

- | | |
|--|-------|
| (1) Certificate of Registration | \$55 |
| (2) A fire extinguisher Concern license for firms engaged in the business of performing for a fee specific acts of servicing portable fire extinguishers pursuant to 595.5 | \$625 |

(3) A "L" (Limited) fire extinguisher servicing license for public or private entities not engaged in the business, nor performing for a fee, specific acts pursuant to Section 595.5(a)(7) of servicing their own portable fire extinguishers \$125

(e) Application for renewal of a license or for a certificate of registration which has expired for one year shall be considered as an original application.

(f) Application for change of location or any license revision requiring a physical inspection by a State Fire Marshal designee of a licensed concern. \$125

NOTE: Authority cited: Sections 13160 and 13189, Health and Safety Code. Reference: Sections 13160, 13164, 13165, 13176 and 13178, Health and Safety Code.

HISTORY

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Amendment filed 10-23-84; effective upon filing pursuant to Government Code section 11346.2(d) (Register 84, No. 43).
3. Amendment of subsection (c) filed 9-15-89; operative 10-15-89 (Register 89, No. 38).
4. Amendment of article and section headings and text filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
5. Amendment filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).
6. Amendment of subsection (f) and amendment of NOTE filed 11-21-2002; operative 1-1-2003 (Register 2002, No. 47).

§ 560.1. Report of Violations.

Any action taken by a local entity against licensed concerns or Certificate of Registration holders shall be reported to the State Fire Marshal within 15 days of the action. The State Fire Marshal shall respond to the reporting agency within 60 days.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 560.2. Deceptive Practices.

(a) Any licensee, or employee thereof, who engages in unfair methods of competition or makes false or misleading statements as prohibited in Section 17200 and 17500 of the Business and Professions Codes shall be subject to license denial, revocation or suspension.

(b) Any licensee, or employee thereof, upon making contact with the prospective buyer (business owner or owner's representative) shall:

- (1) state the identity of the person making the solicitation
- (2) state the name of the business being represented
- (3) state the type of goods or services being offered for sale
- (4) show or display personal identification from the fire extinguisher concern affiliated with.

(5) show current Certificate of Registration Card prior to performing fire extinguisher servicing.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160, 13170, 13171, 13183, 13185 and 13188, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 560.3. Employer Responsibility.

Every licensed concern is responsible for the acts of employees (see definition of "Employee" Section 557.5(d) in the marketing, sale, distribution, and servicing of any portable fire extinguisher.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13165, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 560.4. Recall of Extinguishers.

When a manufacturer deems it necessary to recall an extinguisher model or series, the manufacturer shall notify the State Fire Marshal. Such notification shall include the reasons for the recall and procedures for replacement and the disposition of recalled extinguishers.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160, 13162 and 13177, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 560.5. Condemned Extinguishers.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160, 13162 and 13177, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 560.6. Temperature Extremes.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160 and 13177, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

Article 4. Classification and Ratings of Portable Fire Extinguishers

§ 561. Classification.

(a) Portable fire extinguishers are classified for use on certain classes of fire and rated for relative extinguishing effectiveness at a temperature of plus 70° F (21.1° C) by testing laboratories. This is based upon classification of the fire pursuant to Section 561.1 and the fire extinguishment potentials as determined by fire tests.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment of article 4 heading filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 561.1. Classification and Rating System.

(a) The classification and rating system described in these regulations is that of ANSI/UL Standard 711, and is based on extinguishing pre-planned fires of the determined size and description as follows:

- (1) CLASS A RATING. Wood and excelsior.
- (2) CLASS B RATING. Two-in. (5.1-cm) depth n-heptane fires in square pans.
- (3) CLASS C RATING. No fire test. Agent must be a nonconductor of electricity.
- (4) CLASS D RATING. Special tests on specific combustible metal fires.

(5) CLASS K RATING. Special tests on cooking appliances using combustible cooking media (vegetable or animal oils and fats).

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. New subsection (a)(5) filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 561.2. Fire Test and Performance Standards.

(a) Portable fire extinguishers used to comply with this regulation shall be listed and labeled and meet or exceed all of the requirements of the fire test standards and one of the appropriate performance standards shown below:

- (1) Fire Test Standards: ANSI/UL 711, Standard for Fire Extinguishers, Rating and Fire Testing, 6th Edition, 2002.
- (2) Performance Standards:

(A) CO₂ Types: ANSI/UL 154, Standard for Carbon-Dioxide Fire Extinguishers, 8th Edition, 1995.

(B) Dry Chemical Types: ANSI/UL 299, Standard for Dry Chemical Fire Extinguishers, 10th Edition, 2002.

(C) Water Types: ANSI/UL 626, Standard for Two and One-Half Gallon Stored-Pressure, Water-Type Fire Extinguishers, 7th Edition, 1995.

(D) Halon Types: ANSI/UL 1093, Standard for Halogenated Agent Fire Extinguishers 5th edition, 1995.

(E) Foam Types: ANSI/UL 8, Standard for Foam Fire Extinguishers, 5th Edition, 1995.

(F) Clean Agent Types: ANSI/UL 2129, 1st Edition, 1999.

(G) Loaded Stream/K-Class Types: ANSI/UL 8, Standard for Foam Fire Extinguisher, 5th Edition, 1995.

(H) Test Weights: ASTM E 617-97, Standard Specification for Laboratory Weights and Precision Mass Standards

(b) The identification of the listing and labeling organization, the fire test and performance standard which the extinguisher meets or exceeds shall be clearly marked on each extinguisher.

EXCEPTION: Extinguishers manufactured prior to January 1, 1986.

(c) An organization listing, labeling and marking extinguishers used to comply with the requirements of this chapter shall utilize a third party certification program for portable fire extinguishers which meets or exceeds ANSI/UL 1803, 2nd Edition, 1997.

EXCEPTION: Extinguishers manufactured prior to January 1, 1986.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment of subsections (a)-(a)(2)(E) filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).
3. Change without regulatory effect amending subsection (c) filed 7-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 30).
4. Amendment of subsections (a)-(a)(1) and (a)(2)(B)-(C), new subsections (a)(2)(F)-(H) and amendment of subsection (c) filed 2-28-2007; operative 3-30-2007 (Register 2007, No. 9).

§ 562. Classification and Rating Marking.

The classification of extinguishers shall consist of a LETTER which indicates the class of fire on which an extinguisher has been found to be effective, preceded by a rating NUMBER (Class A and B only) which indicates the relative extinguishing effectiveness.

EXCEPTION: Extinguishers classified for use on Class C, Class D, or Class K hazards shall not be required to have a number preceding the classification letter.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer of former section 562 and renumbering and amendment of former section 563 to section 562 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 563. Operating Instructions.

(a) Extinguisher operating instructions shall be located on the front of the extinguisher and be clearly visible. Other labels and markings shall not be located or placed on the front of the extinguisher.

EXCEPTION: Original manufacturer's labels, labels that specifically relate to the extinguisher's operation or fire classification, or inventory control labels specific to that extinguisher. These labels shall not contain any company advertising.

(b) Extinguishers mounted in cabinets or wall recesses shall be placed in a manner such that the extinguisher operating instructions face outward. The location of such extinguishers shall be marked conspicuously.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering of former section 563 to section 562 and renumbering and amendment of former section 563.8 to section 563 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 563.1. Instruction Manual.

An extinguisher instruction manual shall be provided to the owner or the owner's agent giving condensed instructions and cautions necessary to its installation, operation, inspection and maintenance. This manual shall be provided upon the sale or transfer of the extinguisher. The manual may be specific to the extinguisher involved or it may cover many types.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer of former section 563.1 and renumbering and amendment of former section 563.11 to section 563.1 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 563.2. Accessibility and Availability.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 563.3. Cabinets.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 563.4. Installation.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 563.5. Brackets.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 563.6. Physical Damage Protection.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 563.7. Mounting.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 563.8. Operating Instructions.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering of former section 563.8 to section 563 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 563.9. Sealed Cabinets.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

2. Repealer filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 563.10. Installation Temperatures.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 563.11. Instruction Manual.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering of former section 563.11 to section 563.1 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 564. Metric Units.

Metric units of measurement in this standard are in accordance with the modernized metric system known as the International System of Units (SI). One unit (liter), outside of but recognized by SI, is commonly used in international fire protection. The units are listed in Table 1 with conversion factors.

Table 1

<i>Name of Unit</i>	<i>Unit Symbol</i>	<i>Conversion Factor</i>
liter	L	1 gal = 3.785 L
Centimeter	Cm	1 in. = 2.540 cm
meter	M	1 ft. = 0.305 m
Kilogram	kg	1 pound (mass) = 0.454 kg
Degree Celsius	°C	5/9(°F-32) = °C
Bar	bar	1 psi = 0.0689 bar

For additional conversions and information see ASTM E380, Standard for Metric Practice.

If a value for measurement as given in this standard is followed by an equivalent value in other units, the first stated is to be regarded as the requirement. A given equivalent value may be approximate.

The conversion procedure for the SI units has been to multiply the quantity by the conversion factor and then round the result to the appropriate number of significant digits.

NOTE: Authority: Section 13161, Health and Safety Code. Reference: Section 13161, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment of Table 1 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

Article 5. Selection and Distribution of Portable Fire Extinguishers

§ 565. Selection of Fire Extinguishers.

(a) The selection of extinguishers for a given situation shall be determined by the authority having jurisdiction in accordance with adopted codes or ordinances. The character of the fires anticipated, the construction and occupancy of the individual property, the vehicle or hazard to be protected, ambient-temperature conditions, and other factors shall be considered. The number, size, placement, and limitations of use of extinguishers required shall be determined by using Sections 567 through 573.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 565.1. Classification of Hazards.

(a) Light (low) Hazard. Locations where the total amounts of Class A combustible materials, including furnishings, decorations and contents,

is of minor quantity. These shall include buildings or rooms occupied as offices, classrooms, churches, assembly halls, etc. This classification anticipates that the majority of contents are either noncombustible or so arranged that a fire is not likely to spread rapidly. Small amounts of Class B flammables used for duplicating machines, art departments, etc., are included provided that they are kept in closed containers and safely stored.

(b) Ordinary (Moderate) Hazard. Locations where the total amounts of Class combustibles and Class B flammables are present in greater amounts than expected under Light (Low) Hazard occupancies. These occupancies could consist of offices, classrooms, mercantile shops and allied storage, light manufacturing, research operations, auto showrooms, parking garages, workshop or support service areas of Light (Low) Hazard occupancies, and warehouses containing Class I or Class II commodities.

(c) Extra (High) Hazard. Locations where the total amount of Class A combustibles and Class B flammables are present, in storage, production use, and/or finished product over and above those expected and classed as ordinary (moderate) hazards. These occupancies could consist of woodworking, vehicle repair, aircraft and boat servicing, individual product display showrooms, product convention center displays, storage and manufacturing processes such as painting, dipping, coating, including flammable liquid handling. Also included is warehousing of, or in-process storage of other Class I and Class II commodities.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering of former section 565.1 to section 565.2 and new section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 565.2. Selection by Hazard.

(a) Extinguishers shall be selected for the specific class or classes of hazards to be protected in accordance with the following subdivisions.

(b) Extinguishers for protecting Class A hazards shall be selected from the following: Water-type, halogenated agent types, multipurpose dry chemical and wet chemical type.

(c) Extinguishers for protection of Class B hazards shall be selected from the following: carbon dioxide, dry chemical types, halogenated agent types, and water-type and water chemical extinguishers rated for Class B hazards.

(d) Extinguishers for protection of Class C hazards shall be selected from the following: carbon dioxide, dry chemical types, halogenated agent types, and water mist types rated for Class C. Carbon dioxide extinguishers equipped with metal horns are not considered safe for use on fires in energized electrical equipment and, therefore, are not classified for use on Class C hazards.

(e) Extinguishers and extinguishing agents for the protection of Class D hazards shall be of types approved for use on the specific combustible-metal hazard.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 565.1 to new section 565.2 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).
2. Repealer of subsection (f) filed 2-28-2007; operative 3-30-2007 (Register 2007, No. 9).

§ 566. Application for Specific Hazards.

(a) Class B Fire Extinguishers for Pressurized Flammable Liquids and Pressurized Gas Fires. Fires of this nature are considered to be a special hazard. Class B fire extinguishers containing agents other than dry chemical are relatively ineffective on this type of hazard due to stream and agent characteristics. Selection of extinguishers for this type of hazard shall be made on the basis of recommendations by manufacturers of this specialized equipment. The system used to rate extinguishers on Class B fires (flammable liquids in depth) is not applicable to these types of hazards.

It has been determined that special nozzle design and rates of agent application are required to cope with such hazards. Caution: It is undesirable to attempt to extinguish this type of fire unless there is reasonable assurance that the source of fuel can be promptly shut off.

(b) Fire extinguishers provided for the protection of cooking appliances that use combustible cooking media (vegetable or animal oils and fats) shall be listed and labeled for Class K fires.

(c) Three-dimensional Class B Fires. A three-dimensional Class B fire involves Class B materials in motion such as pouring, running or dripping flammable liquids and generally includes vertical as well as one or more horizontal surfaces. Fires of this nature are considered to be a special hazard. Selection of extinguishers for this type of hazard shall be made on the basis of recommendations by manufacturers of this specialized equipment. The system used to rate extinguishers on Class B fires (flammable liquids in depth) is not directly applicable to this type of hazard.

(d) Water Soluble Flammable Liquid Fires (Polar Solvents). Extinguishers used for the protection of water soluble flammable liquids, such as alcohols, acetones, esters, ketones, etc., shall be selected in accordance with Section 565.2. AFFF type and FFFP type fire extinguishers shall not be used for the protection of water soluble flammable liquids, such as alcohols, acetone, esters, ketones, etc., unless specifically referenced on the extinguisher nameplate.

(e) Electronic Equipment Fires. Extinguishers for the protection of delicate electronic equipment shall be selected from the following: carbon dioxide type or a halogenated agent type, or a distilled water mist type with a minimum Class A: C Rating.

(f) In patient care areas and sleeping rooms of health care facilities, fire extinguishers, including the agents and expelling means, should be selected and utilized which would not be detrimental to patients and are appropriate for the type of fire expected, such as distilled water mist type fire extinguishers with a minimum "2-A: C" Rating.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).
3. Amendment repealing EXCEPTION to subsection (b) filed 2-28-2007; operative 3-30-2007 (Register 2007, No. 9).

§ 567. Distribution of Fire Extinguishers.

(a) The minimum number of fire extinguishers needed to protect a property shall be determined as outlined in this section. Additional extinguishers may be installed to provide more suitable protection.

(b) Fire extinguishers shall be provided for the protection of both the building structure and the occupancy hazards contained therein.

(c) Required building protection shall be provided by fire extinguishers suitable for Class A fires.

(d) Occupancy hazard protection shall be provided by fire extinguishers suitable for such Class A, B, C, D, or K fire potentials as may be present.

(e) Extinguishers provided for building protection may be considered also for the protection of occupancies having a Class A fire potential.

(f) Buildings having an occupancy hazard subject to Class B and/or Class C fires shall have a standard complement of Class A fire extinguishers for building protection, plus additional Class B and/or Class C extinguishers. Where fire extinguishers have more than one letter classification (such as 2-A:20-B:C), they may be considered to satisfy the requirements of each letter class. When using multi-purpose extinguishers for the protection of Class B hazards, the maximum travel distances described in Table 2 must be observed.

(g) Rooms or areas shall be classified generally as light (low) hazard, ordinary (moderate) hazard, or extra (high) hazard. Limited areas of greater or lesser hazard shall be protected as required.

(h) On each floor level, the area protected and the travel distances shall be based on fire extinguishers installed in accordance with Tables 2 and 3.

(i) Fire extinguishers shall not be obstructed or obscured from view. EXCEPTION: In large rooms, and in certain locations where visual obstruction cannot be completely avoided, means shall be provided to indicate the fire extinguisher's location.

(j) Fire extinguishers shall be conspicuously located along normal paths of travel where they will be readily accessible and immediately available in the event of a fire.

(k) Where wheeled extinguishers are installed, aisles and doorways through which such extinguishers are to be moved shall have a clear and unobstructed width not less than one foot (1 ft.) wider than the overall width of the extinguisher.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. Amendment of subsection (b) filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Repealer and new section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
3. Amendment filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).
4. Amendment of subsection (f) filed 11-21-2002; operative 1-1-2003 (Register 2002, No. 47).
5. Change without regulatory effect adding new subsection (k) filed 7-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 30).

§ 567.1. Operating Conditions.

Portable extinguishers shall be maintained in a fully charged and operable condition, and kept in their designated places at all times when they are not being used.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52). For prior history, see Register 92, No. 15.

§ 567.2. Cabinets.

Cabinets housing extinguishers shall not be locked.

EXCEPTION: Where extinguishers are subject to malicious use, locked cabinets may be used provided they include a means of emergency access and are approved by the authority having jurisdiction.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52). For prior history, see Register 92, No. 15.

§ 567.3. Installation.

Portable fire extinguishers other than wheeled types shall be securely installed on the hanger or in the bracket supplied or placed in cabinets or wall recesses. The hanger or bracket shall be securely and properly anchored to the mounting surface in accordance with the manufacturer's instructions. Wheeled-type fire extinguishers shall be located in a designated location.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52). For prior history, see Register 92, No. 15.

§ 567.4. Brackets.

Extinguishers installed under conditions where they are subject to dislodgment shall be installed in brackets specifically designed to cope with this problem.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52). For prior history, see Register 92, No. 15.

§ 567.5. Physical Damage Protection.

Extinguishers installed under conditions where they are subject to physical damage, (e.g., from impact, vibration, the environment) shall be adequately protected.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52). For prior history, see Register 92, No. 15.

§ 567.6. Mounting.

Fire extinguishers having a gross weight not exceeding 40 lbs (18.14kg) shall be installed so that the top of the fire extinguisher is not more than 5 ft. (1.53m) above the floor. Fire extinguishers having a gross weight greater than 40 lbs. (18.14kg) (except wheeled types) shall be so installed that the top of the fire extinguisher is not more than 3-1/2 ft. (1.07 m) above the floor. In no case shall the clearance between the bottom of the extinguisher and the floor be less than 4 in. (10.2 cm).

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52). For prior history, see Register 92, No. 15.

§ 567.7. Sealed Cabinets.

Where extinguishers are installed in closed cabinets, which are exposed to elevated temperatures, the cabinets shall be provided with screened openings and drains.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52). For prior history, see Register 92, No. 15.

§ 567.8. Installation Temperatures.

Water-type (water, AFFF, FFFP) extinguishers shall not be installed in areas where temperatures are outside the range of 40°F to 120°F (4°C to 49°C). Other types shall not be installed in areas where temperatures are outside the range of -40°F to 120°F (-40°C to 49°C). Fire extinguishers shall not be exposed to temperatures outside of the range shown on the fire extinguisher label.

EXCEPTION NO. 1: Where fire extinguishers are installed in locations subject to temperatures outside these ranges, they shall be of a type approved and listed for the temperature to which they are exposed, or they shall be placed in an enclosure capable of maintaining the stipulated temperature range.

EXCEPTION NO. 2: Fire extinguishers containing plain water only can be protected to temperatures as low as -40°F (-40°C) by the addition of an antifreeze stipulated on the extinguisher nameplate. Calcium chloride solutions shall not be used in stainless steel fire extinguishers.

EXCEPTION NO. 3: Some fire extinguishers are approved or listed for use at temperatures as low as -65°F (-54°C).

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52). For prior history, see Register 92, No. 15.

§ 567.9. Non-Transferable.**HISTORY**

1. Repealer filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 567.10. Registration Number.**HISTORY**

1. Repealer filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 568. Fire Extinguisher Size and Placement for Class A Hazards.

(a) Minimum sizes of fire extinguisher for the listed grades of hazards shall be provided on the basis of Table 2, except as modified by Section 568(d). Extinguishers shall be located so that the maximum travel distances shall not exceed those specified in Table 2, except as modified by Section 568(d).

(b) Certain smaller fire extinguishers which are charged with a multi-purpose dry chemical or halogenated agent are rated on Class B and Class C fires, but having insufficient effectiveness to earn the minimum 1-A rating even though they have value in extinguishing smaller Class A fires. They shall not be used to meet the requirements of Table 2.

Table 2

	<i>Light (Low) Hazard Occupancy</i>	<i>Ordinary (Moderate) Hazard Occupancy</i>	<i>Extra (High) Hazard Occupancy</i>
Minimum rated single extinguisher	2-A	2-A	4-A*
Maximum floor area per unit of A	3,000 sq ft	1,500 sq ft	1,000 sq ft
Maximum floor area for extinguisher	11,250 sq ft	11,250 sq ft	11,250 sq ft
Maximum travel distance to extinguisher	75 ft	75 ft	75 ft

* Two 2 1/2 gal (9.46 L) water type extinguishers can be used to fulfill the requirement of one 4-A rated extinguisher.

NOTE: 1 ft = 0.305 m
1 sq ft = 0.0929 m²

(c) Extinguishers as specified in Table 2 may be replaced by uniformly spaced 1 1/2 inch (3.810 cm) hose stations for use by the occupants of the building. When hose stations are so provided they shall conform to Part 9, Title 24, California Code of Regulations, Chapter 9. The location of hose stations and the placement of fire extinguishers shall be in such a manner that the hose stations do not replace more than every other extinguisher.

(d) Where the floor area of a building is less than that specified in Table 2, at least one extinguisher of the minimum size recommended shall be provided.

(e) The protection requirements may be fulfilled with extinguishers of a higher rating provided the travel distance from anywhere in the building to such larger extinguishers shall not exceed 75 ft. (22.7m), as shown in Table 2 above.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment of subsections (a) and (b) filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).
3. Change without regulatory effect amending subsection (c) filed 7-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 30).
4. Amendment of subsections (a) and (b) filed 2-28-2007; operative 3-30-2007 (Register 2007, No. 9).

§ 569. Fire Extinguisher Size and Placement for Class B Fires Other Than for Fires in Flammable Liquids of Appreciable Depth.

(a) Minimum sizes of fire extinguishers for the listed grades of hazard shall be provided on the basis of Table 3. Extinguishers shall be located so that the maximum travel distances from anywhere in the building shall not exceed those specified in the table used.

EXCEPTION: Extinguishers of lesser rating, desired for small specific hazards within the general hazard area, may be used, but shall not be considered as fulfilling any part of the requirements of Table 3.

Table 3

Type of Hazard	Basic Minimum Extinguisher Rating	Maximum Travel Distance to Extinguishers (in feet)	(in meters)
Light (low)	5B	30	9.15
	10B	50	15.25
Ordinary (moderate)	10B	30	9.15
	20B	50	15.25
Extra (high)	40B	30	9.15
	80B	50	15.25

NOTE 1: The specified rating does not imply that fires of the magnitudes indicated by these ratings will occur, but rather to give the operators more time and agent to handle difficult spill fires that may occur.

NOTE 2: For fires involving water soluble flammable liquids see Section 566(d).

NOTE 3: For specific hazard applications see Section 566.

(b) Two or more extinguishers of lower rating shall not be used to fulfill the protection requirements of Table 3.

(c) The protection requirements may be fulfilled with extinguishers of high ratings provided the travel distance to such larger extinguishers shall not exceed 50 ft. (15.25 m) as shown in Table 3.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Repealer and new section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
3. Repealer of subsection (d) filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 569.1. Change of Address.

HISTORY

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Repealer filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 569.2. Verifying Identity.

HISTORY

1. Repealer filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 569.3. Duplicate.

HISTORY

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Repealer filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 569.4. Contents.

HISTORY

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Repealer filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 569.5. Minimum Age.

HISTORY

1. Repealer filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 569.6. Restrictive Use.

HISTORY

1. Amendment of subsection (c) filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Repealer filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 569.7. Contents of Examination.

HISTORY

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Amendment of subsection (a) filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 569.8. Right to Contest.

HISTORY

1. Repealer filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 569.9. Passing Grade.

HISTORY

1. Repealer filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 569.10. Non-Transferable.

HISTORY

1. Repealer filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 569.11. Limited Issuance.

HISTORY

1. Repealer filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).

§ 569.12. New Employees.

HISTORY

1. Repealer filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 569.13. Certificate Identification.

HISTORY

1. Repealer filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 570. Fire Extinguisher Size and Placement For Class B Fires in Flammable Liquids of Appreciable Depth.

(a) Portable fire extinguishers shall not be installed as the sole protection for flammable liquid hazards of appreciable depth [greater than 1/4 in. (0.64 cm)] where the surface area exceeds 10 sq. ft. (0.93 m²).

EXCEPTION: Where personnel who are trained in extinguishing fires in the protected hazards are available on the premises, the maximum surface area shall not exceed 20 sq. ft. (1.86 m²).

(b) For flammable liquid hazards of appreciable depth, a Class B fire extinguisher shall be provided on the basis of at least two numerical units of Class B extinguishing potential per sq ft (0.0929 m²) of flammable liquid surface of the largest hazard area. For fires involving cooking grease or water-soluble flammable liquids, see 566 (b) and 566 (d).

EXCEPTION: AFFF or FFFP type extinguishers may be provided on the basis of a 1B rating of protection per sq ft of hazard.

(c) Two or more extinguishers of lower ratings shall not be used in lieu of the extinguisher required for the largest hazard area.

EXCEPTION: Up to three AFFF or FFFP extinguishers may be used to fulfill the requirements provided the sum of the Class B ratings meets or exceeds the value required for the largest hazard area.

(d) Travel distances for portable extinguishers shall not exceed 50 ft (15.25 m) as shown in Table 3.

(e) Scattered or widely separated hazards shall be individually protected. An extinguisher in the proximity of a hazard shall be carefully located to be accessible in the presence of a fire without undue danger to the operator.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 571. Fire Extinguisher Size and Placement for Class C Hazards.

(a) Fire extinguishers with Class C ratings shall be required where energized electrical equipment can be encountered which would require a nonconducting extinguishing medium. This requirement includes situations where fire either directly involves or surrounds electrical equipment. Since the fire itself is a Class A or Class B hazard, the fire extinguishers shall be sized and located on the basis of the anticipated Class A or B hazard.

NOTE: Electrical equipment should be de-energized as soon as possible to prevent reignition.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 572. Size and Placement for Class D Hazards.

(a) Fire extinguishers or extinguishing agents with Class D ratings shall be provided for fires involving combustible metals.

(b) Fire extinguishers or extinguishing agents (media) shall be located not more than 75 ft (22.5 m) travel distance from the Class D hazard.

(c) Portable fire extinguishers or extinguishing agents (media) for Class D hazards shall be provided in those work areas where combustible metal powders, flakes, shavings, chips, or similarly sized products are generated.

(d) Size determination shall be in the basis of the specific combustible metal, its physical particle size, area to be covered and recommendations by the extinguisher manufacturer on data from control tests conducted.

(e) The material safety data sheet for the Class D hazard involved should be consulted to assist in selecting the most effective extinguishing agent.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 573. Fire Extinguisher Size and Placement for Commercial Cooking Operations.

(a) Fire extinguishers with a Class K rating shall be provided for hazards where there is a potential for fires involving combustible cooking media (vegetable or animal oils and fats).

(b) Maximum travel distance shall not exceed 30 ft (9.15m) from the hazard to the extinguishers.

(c) Additional fire extinguishers, required for the control of other classes of fires, shall be provided for commercial cooking areas as required by Section 567.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).
2. Amendment of section heading and new subsection (c) filed 2-28-2007; operative 3-30-2007 (Register 2007, No. 9).

Article 6. Inspection, Maintenance and Recharging

§ 574. General.

For the purpose of these regulations, every fire extinguisher required by any governmental statute, ordinance, or regulation shall conform to the provisions of this article.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 574.1. Frequency of Inspection.

Fire extinguishers shall be manually inspected when initially placed in service. Thereafter extinguishers shall be manually inspected at least monthly by the building owner, occupant, or his/her authorized agent or electronically monitored. Fire extinguishers shall be inspected at more frequent intervals when circumstances require as determined by the Authority Having Jurisdiction.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).
3. Change without regulatory effect amending section heading filed 7-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 30).

4. Amendment of section heading and section filed 2-28-2007; operative 3-30-2007 (Register 2007, No. 9).

§ 574.2. Inspection Procedures.

(a) In addition to 574.1 fire extinguishers shall be manually inspected in accordance with this section if they are located where any of the following conditions exist:

- (1) High frequency of fires in the past.
- (2) Extra (high) hazard areas.
- (3) Location that make fire extinguishers susceptible to mechanical or physical damage.
- (4) Exposure to abnormal temperatures or corrosive atmospheres.
- (b) Manual inspection of extinguishers shall include a check of at least the following items:
 - (1) Located in designated place.
 - (2) No obstruction to access or visibility.
 - (3) Operating instructions on nameplate legible and facing outward.
 - (4) Safety seals and tamper indicators not broken or missing.
 - (5) Examine for obvious physical damage, corrosion, leakage or clogged nozzle.
 - (6) Pressure gauge reading or indicator in the operable range or position.
 - (7) Fullness determined by weighing or hefting.
 - (8) For wheeled units, the condition of tires, wheels, carriage, hose, and nozzle shall also be checked.

(9) For non-rechargeable extinguishers using push-to-test pressure indicators, test the indicator.

(c) Electronic monitoring shall include monitoring of the following items:

- (1) Located in the designated place.
- (2) No obstruction to access or visibility.
- (3) Pressure gauge reading or indicator in the operable range or position.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).
3. Amendment of section heading and section filed 2-28-2007; operative 3-30-2007 (Register 2007, No. 9).

§ 574.3. Corrective Action.

When an inspection of any extinguisher reveals a deficiency in any of the conditions listed in Section 574.2(b)(c), immediate corrective action shall be taken.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).
3. Amendment filed 2-28-2007; operative 3-30-2007 (Register 2007, No. 9).

§ 574.4. Nonrechargeable Extinguishers.

When an inspection of any nonrechargeable fire extinguisher reveals a deficiency in any of the conditions listed in (3), (4), (5), (6), (7) or (9) of Section 574.2(b), it shall be discharged and removed from service.

EXCEPTION: Nonrechargeable extinguishers containing a halon agent shall be removed from service, not discharged, and returned to the manufacturer or local fire extinguisher distributor having the capability of recovering the halon agent.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).
3. Repealer and new section filed 2-28-2007; operative 3-30-2007 (Register 2007, No. 9).

§ 574.5. Inspection Record Keeping.

(a) The fire extinguisher owner shall maintain records of all fire extinguishers inspected, including those extinguishers that were found to re-

quire corrective actions. Records shall be maintained until next required maintenance.

(b) At least monthly, the date the manual inspection was performed and the initials of the person performing the inspection shall be recorded on a tag or label attached to the fire extinguisher, or an inspection checklist maintained on file, or an electronic system (e.g. bar coding) that provides a permanent record.

(c) Fire extinguishers being inspected via electronic monitoring, whereby the extinguisher causes a signal at a control unit when a deficiency in any of the conditions listed in Section 574.2(c) occurs shall provide record keeping in the form of an electronic event log at the control panel.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment of section heading and section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).
3. Repealer and new section filed 2-28-2007; operative 3-30-2007 (Register 2007, No. 9).

§ 574.6. Recordkeeping.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment filed 11-21-2002; operative 1-1-2003 (Register 2002, No. 47).
3. Repealer filed 2-28-2007; operative 3-30-2007 (Register 2007, No. 9).

§ 575. Servicing, General.

Servicing which includes maintenance, recharging and hydrostatic testing shall be performed by concerns licensed by the State Fire Marshal having available the appropriate servicing manual(s), the proper types of tools, recharging agents and materials, lubricants, and manufacturer's recommended replacement parts or parts of equal quality. Maintenance, recharging and hydrostatic testing shall be done in accordance with the appropriate manufacturer's service manual(s) and the requirements of this chapter.

HISTORY

1. New section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 575.1. Maintenance and Required Service Intervals.

(a) Fire extinguishers shall be subjected to maintenance annually as described in this chapter or immediately after use or when specifically indicated by an inspection or at the time of hydrostatic test. For purposes of maintenance, hydrostatic tests required during the same calendar year shall be performed at the time of the annual maintenance or recharge.

(b) Non-rechargeable fire extinguishers shall not be recharged or hydrostatically tested but shall be discharged and removed from service at a maximum interval of 12 years from the date of manufacture.

EXCEPTION: Non-rechargeable fire extinguishers containing a halon agent shall be removed from service, not discharged, and returned to the manufacturer or fire extinguisher distributor having the capability of recovering the halon agent.

(c) When additional fire extinguishers are installed in excess of those required, the additional extinguishers shall be subjected to maintenance and hydrostatically tested in the same manner and at intervals as set forth in this chapter for required extinguishers.

(d) New fire extinguishers that are fully charged by the manufacturer shall, after being sold, be subjected to maintenance within one year from the date of manufacture in accordance with this chapter. If only the year is shown, the new extinguisher shall be due for maintenance by January 1st of the year following the year of manufacture in accordance with this chapter.

EXCEPTION: A licensed fire extinguisher concern may attach the tag described in Section 596.1(a) and punch the new extinguisher block and date the extinguisher was sold. Extinguishers tagged in this manner shall be subjected to maintenance one year from the date on the tag in accordance with this chapter. Extinguishers more than two years old from date of manufacture shall not be tagged as new extinguishers.

(e) At the time of installation and at each annual maintenance, extinguishers shall be placed in a fully charged and operable condition free from defects which may cause malfunctions.

(f) At the time of service, hydrostatic testing, or at any time when parts are replaced, an itemized invoice showing work performed and parts replaced shall be provided by the licensee to the owner or possessor of the fire extinguisher.

(g) The licensee shall offer, in writing, to return all replaced parts to the portable fire extinguisher owner or owner's representative, except such parts as the licensee is required to return to the manufacturer of the portable fire extinguisher under any warranty arrangement. Text of offer must be in capital letters of at least 10 pt. boldface type or legible printing of comparable size.

(h) Service shall not be performed more than 30 days before the date the service is due, unless approved and initialed by the owner or owner's representative in writing. Text must be capital letter in at least 10 pt. boldface type or legible printing of comparable size stating that service was performed more than 30 days prior to the due date.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Sections 13160, 13162, 13177 and 13190.3, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment of section heading and section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).
3. Change without regulatory effect amending subsection (h) filed 7-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 30).
4. Amendment of subsections (b), (g) and (h) filed 2-28-2007; operative 3-30-2007 (Register 2007, No. 9).

§ 575.2. Maintenance Requirements.

(a) The procedures outlined in this chapter are common to most fire extinguishers and shall be performed at each annual maintenance, in addition to the manufacturer's instruction or other requirements of this chapter. All contents shall be emptied from the extinguisher, except as provided herein in this chapter.

(b) Mechanical Parts.

Any parts needed for replacement shall be the manufacturer's recommended replacement parts or parts of equal quality. Parts not designated as the manufacturer's recommended replacement parts shall be proven by a recognized testing laboratory to be of equal quality.

(c) If the source of leakage cannot be corrected by parts replacement, extinguishers shall be removed from service in accordance with Section 577.1 of this chapter.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160, 13177 and 13190.3, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment of section heading and section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 575.3. Maintenance Procedures.

(a) Maintenance procedures shall include a thorough examination of the three basic elements of an extinguisher:

- (1) mechanical parts
- (2) extinguishing agent
- (3) expelling means

EXCEPTION: During annual maintenance, it is not necessary to internally examine non-rechargeable fire extinguishers, carbon dioxide fire extinguishers, stored pressure dry chemical or dry powder fire extinguishers that require a 12 year hydrostatic test, halogenated agent fire extinguishers, wet chemical fire extinguishers or AFFF/FFFP fire extinguishers that use a pre-mixed charge. However, such extinguishers shall be thoroughly examined externally in accordance with the applicable items of 575.3(a)(1) and Table 4.

For Stored Pressure Dry Chemical and Dry Powder Fire Extinguishers, see Section 575.4

For Carbon Dioxide Fire Extinguishers, see Section 575.5

For Stored Pressure Halogenated Agent Fire Extinguishers, see Section 575.6

For Stored Pressure Water Type Fire Extinguishers, see Section 575.7

For AFFF and FFFP Fire Extinguishers that use a pre-mixed charge, see Section 575.8.

For Stored Pressure Wet Chemical Fire Extinguishers, see Section 575.16.

(b) Fire extinguishers shall be thoroughly examined externally and the appropriate corrective action performed in accordance with the applicable items of Table 4, External Examination Maintenance Checkpoints.

(c) Fire extinguishers shall be weighed on accurate scales, as defined in 557.1(a), and it shall be verified that the total weight is within the allowable tolerances specified by the manufacturer.

EXCEPTION: Water-type and wet chemical fire extinguishers that have the liquid amount specified on the extinguisher shell, a fill level mark or an anti-overfill tube.

(d) Scales used for maintenance of fire extinguishers shall be checked for accuracy prior to each use. The accuracy of the scales shall be confirmed with the appropriate test weight as defined in 557.1(a) and 557.1(b).

(e) Straight faced spring scales (i.e. fish scales) shall not be used.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer and new section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).
3. Amendment of subsection (a) EXCEPTION filed 11-21-2002; operative 1-1-2003 (Register 2002, No. 47).
4. Change without regulatory effect amending EXCEPTION to subsection (a)(3) filed 7-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 30).
5. Amendment of subsection (c) and new subsections (d) and (e) filed 2-28-2007; operative 3-30-2007 (Register 2007, No. 9).

Table 4

External Examination Maintenance Checkpoints

<i>Shell</i>	<i>Corrective Action</i>	<i>Gauge or Pressure-Indicating Device</i>	<i>Corrective Action</i>
1. Hydrostatic test date or date of manufacturer*	1. Retest, if needed	1. Damaged or missing pointer*	1. Perform internal maintenance and replace gauge
2. Corrosion*	2. Conduct hydrostatic test and refinish, or discard	2. Missing, deformed, or broken crystal*	2. Perform internal maintenance and replace gauge
3. Mechanical damage (denting or abrasion)*	3. Conduct hydrostatic test and refinish, or discard	3. Illegible or faded dial*	3. Perform internal maintenance and replace gauge
4. Paint Condition	4. Refinish	4. Corrosion*	4. Perform internal maintenance and replace gauge
5. Presence of repairs (welding, soldering, brazing, etc.)	5. Discard or consult manufacturer	5. Dented case or crystal retainer*	5. Perform internal maintenance and replace gauge
6. Broken hanger attachment, carrying handle lug	6. Discard or consult manufacturer	6. Immovable or corroded pressure-indicating stem (nongauge type)*	6. Replace head assembly, depressurize, and replace shell or complete extinguisher
<i>Nameplate</i>	<i>Corrective Action</i>	<i>Shell or Cylinder Valve</i>	<i>Corrective Action</i>
1. Illegible wording	1. Clean or replace	1. Corroded, damaged or jammed lever, handle, spring, stem, or fastener joint*	1. Perform internal maintenance and repair or replace as necessary
2. Corrosion or loose plate	2. Inspect shell under plate and reattach plate	2. Damaged outlet threads (corroded, crossed, or worn)*	2. Perform internal maintenance and replace
<i>Nozzle or Horn</i>	<i>Corrective Action</i>	<i>Agent and Expelling Means</i>	<i>Corrective Action</i>
1. Damaged (cut, cracked, or worn)	1. Replace	1. Improper extinguisher weight	1. Perform internal maintenance and recharge
2. Blocked openings	2. Clean	2. Improper gauge pressure	2. Perform internal maintenance and recharge
3. Damaged threads (corroded, crossed, or worn)	3. Replace	<i>Nozzle Shutoff Valve</i>	<i>Corrective Action</i>
4. Aged (brittle)	4. Replace	1. Corroded, damaged, jammed or binding lever, spring, stem, or fastener joint	1. Repair and lubricate, or replace
<i>Hose Assembly</i>	<i>Corrective Action</i>	2. Plugged, deformed, or corroded nozzle tip or discharge passage	2. Clean or replace
1. Damaged (cut, cracked, or worn)	1. Replace	<i>Nonrechargeable Shell</i>	<i>Corrective Action</i>
2. Damaged coupling or swivel joint (cracked or corroded)	2. Replace	1. Corrosion*	1. Discard shell
3. Damaged threads (corroded, crossed, or worn)	3. Replace	2. Damaged seal disc (injured, cut, or corroded)*	2. Discard shell
4. Inner tube cut at couplings	4. Repair or replace	3. Damaged threads (corroded, crossed, or worn)	3. Discard shell
5. Electrically nonconductive between couplings (CO ₂ hose only)	5. Replace	4. Illegible weight markings*	4. Discard shell
6. Hose obstruction	6. Remove obstruction or replace	<i>Carriage and Wheels</i>	<i>Corrective Action</i>
7. Damaged or missing hose retainer	7. Repair or replace	1. Corroded, bent, or broken carriage	1. Repair or replace
<i>Pull Pin or Valve Locking Device</i>	<i>Corrective Action</i>	2. Damaged wheel (buckled or broken spoke, bent rim or axle, loose tire, low pressure, jammed bearing)	2. Clean, repair, and lubricate, or replace
1. Damaged (bent, corroded, or binding)	1. Repair and lubricate, or replace	<i>Carrying Handle</i>	<i>Corrective Action</i>
2. Missing	2. Replace	1. Broken handle lug	1. Discard shell or valve, or consult manufacturer
		2. Broken handle	2. Replace
		3. Corroded, jammed, or worn fastener joint	3. Clean or replace
		<i>Seal or Tamper Indicator</i>	<i>Corrective Action</i>
		1. Broken or missing	1. Perform internal maintenance
		<i>Brackets</i>	<i>Corrective Action</i>
		1. Corroded, worn, or bent	1. Repair and refinish, or replace
		2. Loose or binding fit	2. Adjust fit or replace
		3. Worn, loose, corroded, or missing screw or bolt	3. Tighten or replace
		4. Worn bumper, webbing, or grommet	4. Replace
		<i>Safety Relief Device</i>	<i>Corrective Action</i>
		1. Corroded or damaged*	1. Depressurize and replace or consult manufacturer
		2. Broken, operated, or plugged*	2. Depressurize and replace or repair

Electronic Monitoring Device

1. Battery
2. Unit not sending signal
3. Signal at receiver

Corrective Action

1. Replace battery
2. Check battery and check sensor, consult manufacturer's maintenance procedures
3. Consult manufacturer's maintenance procedures

For nonrechargeable extinguishers, those items indicated with an asterisk cannot be inspected and serviced. If the corrective action requires the depressurization of the extinguisher, nonrechargeable halogenated agent fire extinguishers shall not be depressurized but shall be returned to the manufacturer or fire extinguisher distributor having the capability of recovering the halogenated agent.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New table 4 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).
2. Amendment of table 4 filed 2-28-2007; operative 3-30-2007 (Register 2007, No. 9).

§ 575.4. Dry Chemical and Dry Powder Portable Fire Extinguishers.

(a) Stored Pressure Extinguishers

(1) Every 6 years stored pressure dry chemical and dry powder fire extinguishers that require a 12 year hydrostatic test shall be discharged, emptied and subjected to the applicable maintenance procedures as specified by the manufacturer's requirements.

(2) Stored pressure dry chemical and dry powder extinguishers shall be fully discharged to check the operation of the discharge valve and pressure gauge.

(3) The dry chemical agent may be reused provided an approved closed recovery system is used and the agent is stored in a sealed container to prevent contamination.

(4) Prior to reuse, the dry chemical or dry powder agent shall be thoroughly checked to insure:

- (A) Appropriate type agent.
- (B) Agent is not contaminated.
- (C) Agent is in a free flowing powdery condition.

(5) Where doubt exists with respect to the type, contamination, or condition of the dry chemical or dry powder agent, the agent shall be discarded.

(b) Cartridge and Cylinder Operated Extinguishers.

(1) At the time of annual maintenance, cartridge and cylinder operated dry chemical and dry powder fire extinguishers shall be emptied.

(2) Prior to reuse, the dry chemical or dry powder agent shall be thoroughly checked to insure:

- (A) Appropriate type agent.
- (B) Agent is not contaminated.
- (C) Agent is in a free flowing powdery condition.

(3) Where doubt exists with respect to the type, contamination, or condition of the dry chemical or dry powder agent, the agent shall be discarded.

(4) Cartridges of cartridge operated portable fire extinguishers shall be replaced when the loss of weight as compared with the original weight as stamped on the cartridge is equal to or more than that as permitted in instructions on the label.

(5) Cartridges of every cartridge-operated extinguisher shall be weighed annually in accordance with manufacturer's recommendations, on an accurate scale as defined in Section 557.1(b). Straight faced spring scales (i.e. fish scales) shall not be used.

(6) Replacement cartridges for cartridge operated extinguishers shall conform to the manufacturer's requirements.

(7) Cylinders of wheeled cylinder operated dry chemical extinguishers shall maintain a pressure of not less than 1,500 P.S.I. Wheeled pressurized dry chemical extinguishers shall maintain proper expelling pressure as indicated on the pressure gauge.

(c) Multipurpose dry chemicals shall not be mixed with alkaline-based dry chemicals.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Sections 13160 and 13177, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer and new section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).
3. Amendment of subsection (a)(1) filed 11-21-2002; operative 1-1-2003 (Register 2002, No. 47).
4. Change without regulatory effect adding subsection (b)(7) filed 7-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 30).
5. Amendment of subsection (b)(5) filed 2-28-2007; operative 3-30-2007 (Register 2007, No. 9).

§ 575.5. Carbon Dioxide Extinguishers.

Internal maintenance of carbon dioxide extinguishers shall be performed every 5 years at the time of hydrostatic test. The components shall be replaced in accordance with the manufacturer's recommendations.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer and new section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 575.6. Halogenated Agent Extinguishers.

(a) Every 6 years, stored pressure halogenated fire extinguishers that require a 12-year hydrostatic test shall be emptied and subjected to the maintenance procedures as required by Article 6.

(b) The removal of Halon 1211 from fire extinguishers shall only be done using a halon closed recovery system in compliance with the 1997 3rd Edition of the UL Standard 2006, Standard for Halon 1211 Recovery/Recharge Equipment. The removal of agent from other halogenated agent fire extinguishers shall only be done using a closed recovery system.

(c) The extinguisher cylinder shall be examined internally for contamination and/or corrosion. The halogenated agent retained in the system recovery cylinder shall only be used if no evidence of internal contamination is observed in the extinguisher cylinder. Halogenated agent removed from extinguishers that contain evidence of internal contamination or corrosion shall be processed in accordance with the manufacturer's instruction.

(d) When the applicable maintenance procedures are performed during periodic recharging or hydrostatic testing, the 6-year requirement shall begin from that date of the recharging or testing.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer and new section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 575.7. Stored Pressure Water Type Extinguishers.

Stored pressure extinguishers containing a water or loaded stream agent shall be disassembled on an annual basis and subjected to a complete maintenance in accordance with Section 575.3. Prior to disassembly, the extinguisher shall be fully discharged to check the operation of the discharge valve and pressure gauge.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer and new section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 575.8. AFFF and FFFP Extinguishers.

AFFF and FFFP fire extinguishers shall be maintained in accordance with the following:

(a) Pre-Mix: Extinguisher shall be externally examined annually, and broken down and the agent replaced every three years.

(b) Solid Type:

(1) Cartridge shall be removed and the extinguisher serviced in accordance with Section 575.3, and the cartridge re-installed.

(2) Cartridges shall be replaced with a new one every five years.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer and new section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 575.9. Pump-Tank Extinguishers.

Every 12 months, pump-tank water and pump-tank calcium chloride base antifreeze types of extinguishers shall be recharged with new chemicals or water, as applicable.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer and new section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 575.10. Out of Service.

Fire extinguishers removed from service for maintenance or recharge shall be replaced by fire extinguishers suitable for the type of hazard protected and shall be of at least equal rating.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer and new section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 575.11. Safety Pins.

Upon completion of annual maintenance, an extinguisher shall have installed a safety pin compatible with the valve required by the ANSI/UL standards contained in 561.2. The safety pin shall be held in place with a seal as specified in Section 575.12.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Sections 13160, 13162 and 13177, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer and new section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 575.12. Seals or Tamper Indicators.

(a) A tamper seal or tamper indicator shall be provided on every portable fire extinguisher. Tamper seals shall be component recognized by an approved testing laboratory for use on fire extinguishers or be the manufacturer's approved replacement.

(b) At the time of maintenance, the tamper seal of rechargeable fire extinguishers shall be removed by operating the pull pin or locking device. After the applicable maintenance procedures are completed, a new tamper seal shall be installed.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Sections 13160 and 13162, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer and new section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 575.13. Anti-Freeze Solution.

Anti-freeze solution for anti-freeze extinguishers shall be put through a fine strainer prior to placing it into the extinguisher so as to prevent any possibility of undissolved salts impairing the normal function of the extinguisher.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Sections 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer and new section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 575.14. Nitrogen Cylinder Operated Wheeled Extinguishers.

Pressure regulators and nitrogen cylinders on wheeled fire extinguishers shall be maintained in accordance with manufacturer's instructions.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Sections 13160 and 13177, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer and new section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 575.15. Conductivity Test.

(a) An annual conductivity test shall be conducted on all carbon dioxide hose assemblies. Hose assemblies found to be nonconductive shall be replaced.

(b) Carbon dioxide hose assemblies that pass a conductivity test shall have the test information recorded on a suitable metallic label or equally durable material that has a minimum size of 1/2 in. x 3 in. (1.3 cm x 7.6 cm). The label shall be affixed to the hose by means of a heatless process. The label shall include the following information:

(1) Month and year the test was performed, indicated by perforation, such as is done by a hand punch.

(2) Initials and EE# of person performing the test.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 575.16. Wet Chemical Fire Extinguishers.

Internal maintenance of wet chemical fire extinguishers shall be performed every 5 years at the time of hydrostatic test in accordance with the manufacturer's recommendations.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 576.1. Maintenance Recordkeeping.

Upon completion of the maintenance procedures prescribed by Section 575.3, each portable fire extinguisher shall be fitted with an annual maintenance tag as prescribed in Article 9.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Sections 13160, 13162 and 13177, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer and new section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 577.1. Condemned Extinguishers.

(a) Portable fire extinguishers shall not be repaired except as permitted by manufacturer's instructions using manufacturer's recommended replacement parts or parts of equal quality. Portable fire extinguishers shall not be converted from one type or class to another type or class of extinguisher.

(b) Portable fire extinguishers which have been repaired, converted or altered in conflict with Section 575.2(c) are prohibited from use as portable fire extinguishers. Such extinguishers shall be removed from service and tagged with a red tag bearing the term "Condemned" on each face. EXCEPTION: The exchange of defective or broken parts with approved parts as defined in Section 557.16(b) or equipment or materials listed as defined in Section 557.12(c) shall not be construed as "repair".

(c) Condemned portable fire extinguishers shall be destroyed by the owner or at the owner's direction.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Sections 13160, 13162 and 13177, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer and new section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 577.2. Obsolete Fire Extinguishers.

The following types of fire extinguishers are considered obsolete and shall be removed from service:

- (1) Soda acid types
- (2) Chemical foam (excluding AFFF and FFFP)
- (3) Vaporizing liquid (e.g., carbon tetrachloride)
- (4) Cartridge-operated water
- (5) Cartridge-operated loaded stream
- (6) Copper or brass shell fire extinguishers (excluding pump tanks) joined by soft solder or rivets
- (7) Stored pressure water extinguishers with fiberglass shells

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer and new section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 578.1. Recharging, General:

(a) All rechargeable type extinguishers shall be recharged after use or as indicated by an inspection or when performing maintenance.

(b) When performing the recharging, the recommendations of the manufacturers shall be followed. For recharge agents, see Section 578.2.

(c) The amount of recharge agent shall be verified by weighing on an accurate scale. The total weight shall be within the allowable tolerances specified by the manufacturer. When agent is sold by weight the scale used must meet the definition of accuracy as defined in Section 557.1(c).

EXCEPTION: Water-type and wet chemical fire extinguishers that have the liquid amount specified on the extinguisher shell, a fill level mark or an anti-overfill tube.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering of former section 578.1 to section 578.2 and new section 578.1 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).
3. Amendment of subsections (b) and (c) filed 2-28-2007; operative 3-30-2007 (Register 2007, No. 9).

§ 578.2. Recharge Agents.

Only those agents specified on the nameplate, or agents proven to have equal chemical composition, physical characteristics and fire extinguishing capabilities shall be used. Agents listed specifically for use with the fire extinguisher shall be considered to comply with the requirements of this section.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer of former section 578.2 and renumbering and amendment of former section 578.1 to section 578.2 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 578.3. Dry Powder.

Pails or drums containing dry powder agents for scoop or shovel application for use on metal fires shall be kept full and covered at all times. The dry powder shall be replaced if found damp.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer of former section 578.3 and renumbering of former section 578.4 to section 578.3 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 578.4. Replacement Pressure Gauge.

Replacement pressure gauges shall have the proper indicated charging (service) pressure, be marked for use with the agent in the extinguisher and be compatible with the extinguisher valve body material.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering of former section 578.4 to section 578.3 and renumbering and amendment of former section 578.5 to section 578.4 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 578.5. Precautionary Pressurization Measures.

A rechargeable stored pressure type extinguisher shall be pressurized only to the charging pressure specified on the extinguisher nameplate. A regulated source of pressure, set no higher than 25 psi (172 kPa) above the operating (service) pressure, shall be used to pressurize fire extinguishers. An unregulated source of pressure, such as a nitrogen cylinder without a pressure regulator, shall never be used because the fire extinguisher could be over-pressurized and possibly rupture. A fire extinguisher shall never be left connected to the regulator of a high-pressure source for an extended period of time. A defective regulator could cause the container to rupture due to excess pressure.

(b) The gauge used to set the regulated source of pressure shall be calibrated at least annually.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering of former section 578.5 to section 578.4 and renumbering and amendment of former section 578.6 to section 578.5 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 578.6. Pressurizing Gas.

Only standard industrial grade nitrogen with a dew point of -60°F (-51°C) or lower (CGA nitrogen specification G10.1, grades D through P) shall be used to pressurize stored pressure dry chemical, dry powder and Halon type fire extinguishers. Compressed air through moisture traps shall not be used for pressurizing even though so stated in the instructions on older fire extinguishers.

EXCEPTION No. 1: Compressed air may be used from special compressor systems capable of delivering air with a dew point of -60°F (-51.1°C) or lower. The special compressor system shall be equipped with an automatic monitoring and alarm system to ensure that the dew point remains at or below -60°F (-51.1°C) at all times.

EXCEPTION No. 2: Some fire extinguishers are required to be pressurized with argon. They shall be repressurized only with the type of expellant gas referred to on the fire extinguisher label.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering of former section 578.6 to section 578.5 and renumbering and amendment of former section 578.7 to section 578.6 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 578.7. Conversion of Extinguisher Types.

No extinguisher shall be converted from one type to another, nor shall any extinguisher be converted to use a different type of extinguishing agent.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering of former section 578.7 to section 578.6 and renumbering of former section 578.8 to section 578.7 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 578.8. Removal of Moisture.

For all non-water type of extinguishers any moisture shall be removed before recharging.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering of former section 578.8 to section 578.7 and renumbering of former section 578.9 to section 578.8 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 578.9. Carbon Dioxide Recharging.

The vapor phase of carbon dioxide shall not be less than 99.5 percent carbon dioxide. The water content of the liquid phase shall not be more than 0.01 percent by weight [-30°F (-34.4°C) dew point]. Oil content of the carbon dioxide shall not exceed 10 ppm by weight.

NOTE: Carbon Dioxide obtained from dry ice converters will generally be unsatisfactory unless it is properly processed to remove excess water and oil. The preferred source of carbon dioxide for recharging extinguishers is from a low-pressure supply, either directly or via dry cylinders used as an intermediary means.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering of former section 578.9 to section 578.8 and renumbering of former section 578.11 to section 578.9 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 578.10. Leak Test.

(a) After charging, a leak test shall be performed on all stored pressure and self-expelling type fire extinguishers. Leak tests shall be performed by following the manufacture's requirements and may include applying a leak test solution or a solution of soapy water.

(b) Leak testing of halogenated agent extinguishers shall not use water. A halogenated gas leak detector shall be used to determine leakage.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer of former section 578.10 and renumbering and amendment of former section 578.12 to section 578.10 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).
3. Amendment of subsection (a) filed 11-21-2002; operative 1-1-2003 (Register 2002, No. 47).

§ 578.11. Recharging Water Types.

When recharging stored pressure extinguishers, overfilling resulting in improper discharge is to be avoided. The proper amount of liquid agent shall be determined by using one of the following:

- (a) exact measurement in gallons, or by weight
- (b) use of an anti-overfill tube when provided, or
- (c) use of a fill mark on extinguisher shell, when provided.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering of former section 578.11 to section 578.9 and renumbering of former section 578.13 to section 578.11 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 578.12. Wet Chemical Agent Re-Use.

Wet chemical agents shall not be re-used. If a wet chemical extinguisher is partially discharged, all remaining wet chemical shall be discarded.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering of former section 578.12 to section 578.10 and new section 578.12 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 578.13. Recharging Water Types.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering former section 578.13 to section 578.11 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 580. Description.**HISTORY**

1. Repealer filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 581. Unlawful Use.**HISTORY**

1. Repealer filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 582. Permissive Use.**HISTORY**

1. Repealer filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 584. Registration Number.**HISTORY**

1. Repealer filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 585. Designation of Type.**HISTORY**

1. Repealer filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 586. Cease Use Order.**HISTORY**

1. Repealer filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 587. Legibility.**HISTORY**

1. Repealer filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 591. False or Misleading Statements.**HISTORY**

1. Repealer filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

Article 7. Hydrostatic Testing**§ 591.1. Hydrostatic Testing, General.**

Hydrostatic testing shall be performed by persons licensed by the State Fire Marshal in pressure testing procedures and safeguards, and having available suitable testing equipment, facilities and appropriate servicing manual(s).

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 591.2. Corrosion.

If, at any time, an extinguisher shows evidence of corrosion or mechanical damage, it shall be hydrostatically tested, subject to the provisions of Section 591.6.

EXCEPTION No. 1: Pump tanks do not require a hydrostatic test.

EXCEPTION No. 2: Extinguishers having nonrefillable disposable containers shall be removed from service in accordance with Section 574.5.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 591.3. Written Certification.

Written approval from the D.O.T. to operate the equipment must be obtained by a licensed portable fire extinguisher concern before performing D.O.T. required hydrostatic tests of cylinders. This written approval shall be available to the State Fire Marshal or authorized representative for inspection.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160 and 13177, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 591.4. Restricted Service.

Any portable fire extinguisher requiring a hydrostatic test shall not be serviced until such extinguisher has been subjected to and passed the required hydrostatic test.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160 and 13177, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 591.5. Replacement Extinguishers.

Portable fire extinguishers shall not be removed from the premises for hydrostatic testing or any other purpose, without first replacing the extinguisher with a unit rated for the hazard being protected. The customer's original unit shall be returned within 60 calendar days.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Sections 13160, 13162 and 13177, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment filed 2-28-2007; operative 3-30-2007 (Register 2007, No. 9).

§ 591.6. Examination of Cylinder Condition.

When an extinguisher cylinder or shell has one or more conditions listed in this section, it shall be destroyed by the owner or at the owner's direction:

(a) When there exists repairs by soldering, welding, brazing, or use of patching compounds.

NOTE: For welding or brazing on mild steel shells, consult the manufacturer of the extinguisher.

(b) When the cylinder or shell threads are damaged.

(c) When there exists corrosion that has caused pitting, including under removable nameplate band assemblies.

(d) When the extinguisher has been burned in a fire.

(e) When a calcium chloride type of extinguishing agent was used in a stainless steel extinguisher.

(f) When the shell is of copper or brass construction joined by soft solder or rivets.

(g) All inverting-type extinguishers.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 591.7. Aluminum Shell/Cylinder.

Extinguishers having aluminum cylinders or shells suspected of being exposed to temperatures in excess of 350°F (177°C) shall be removed from service.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 592. Frequency.

At intervals not exceeding those specified in Table 5, extinguishers shall be hydrostatically tested.

EXCEPTION No. 1: Nonrefillable factory-sealed disposable containers do not require hydrostatic testing. (See Section 592.4.)

EXCEPTION No. 2: Extinguishers utilizing a cylinder that has been manufactured to D.O.T. specifications shall be hydrostatically tested, or replaced, according to the requirements of D.O.T.

EXCEPTION No. 3: For extinguishers not covered in Exceptions No. 1 and 2 the first retest may be conducted within 12 months of the specified test intervals.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment of EXCEPTION 2 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 592.1. Compressed Gas Cylinders and Cartridges.

Nitrogen cylinders or cartridges used for inert gas storage used as an expellant for wheeled extinguishers shall be hydrostatically tested every five years.

EXCEPTION: Cylinders (except those charged with carbon dioxide) complying with Part 173.34(e) 15, Title 49, Code of Federal Regulations, shall be hydrostatically tested every 10 years.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 592.2. Hose Assemblies.

(a) A hydrostatic test shall be performed on extinguisher hose assemblies which are equipped with a shutoff nozzle at the end of the hose. The test interval shall be the same as specified for the extinguisher on which the hose is installed.

(b) Test pressure for hose assemblies shall be as follows:

(1) Carbon Dioxide – 1,250 psi;

(2) Dry Chemical – 300 psi or at service pressure, whichever is higher.

(c) Hose assemblies passing the hydrostatic test shall be thoroughly dried internally. If heat is used, the temperature shall not exceed 150°F (66°C).

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. New subsection (c) filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 592.3. Vehicles.

Extinguishers installed on vehicles shall be hydrostatically tested every five years.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 592.4. Nonrefillable Factory-Sealed Disposable Containers.

Nonrefillable factory-sealed disposable containers shall not be reused and shall be disposed of pursuant to the requirements of Section 574.5.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 592.5. Obsolete Fire Extinguishers.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160 and 13177, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 592.6. Copper, Brass, or Fiberglass Shells.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

Table 5

Hydrostatic Test Interval for Extinguishers

<i>Extinguisher type</i>	<i>Test Interval (Years)</i>
Stored Pressure Water and/or Antifreeze/Loaded Stream	5
AFFF (Aqueous Film Forming Foam)	5
FFFP (Film Forming Fluoroprotein Foam)	5
Wet Chemical	5
Dry Chemical with Stainless Steel Shells	5
Carbon Dioxide	5
Dry Chemical, Stored Pressure with Mild Steel Shells, Brazed Brass Shells, or Aluminum Shells	12
Dry Chemical, Cartridge and Cylinder-Operated, with Mild Steel Shells	12
Halogenated Agents	12
Dry Powder, stored pressure, cartridge- or cylinder-operated with mild steel shells	12

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. Amendment filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52). For prior history, see Register 92, No. 15.

§ 593.1. Test Pressures, High Pressure Cylinders.

(a) Carbon dioxide extinguishers shall be tested at 5/3 the service pressure as stamped into the cylinder.

EXCEPTION: Carbon dioxide extinguishers having cylinder specification ICC3 shall be tested at 3,000 psi (20 685 kPa).

(b) Nitrogen cylinders and carbon dioxide cylinders used with wheel extinguishers shall be tested at 5/3 the service pressure as stamped into the cylinder.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 593.2. Stored Pressure Types.

All stored pressure types of extinguishers shall be hydrostatically tested at the factory test pressure not to exceed three times the normal operating pressure.

EXCEPTION: Extinguishers manufactured to D.O.T. specifications shall be hydrostatically tested according to the requirements of D.O.T.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 593.3. Cartridge-Operated Types.

Cartridge-cylinder-operated dry chemical and dry powder types of extinguishers shall be hydrostatically tested at their original factory test pressure as shown on the nameplate or shell.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 594.1. Test Equipment and Procedures, General.

When extinguisher shells, cartridges or cylinder fail a hydrostatic pressure test, they shall be destroyed by the owner or at the owner's direction.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 594.2. Test Equipment for D.O.T. Specification Cylinders.

The equipment for testing D.O.T. specification cylinders shall be of the type that meets the specifications of the pamphlet *Methods for Hydrostatic Testing of Compressed Gas Cylinders* (Pamphlet C-1), published by the Compressed Gas Association.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment of section heading and section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 594.3. Test Equipment for Low Pressure Non-D.O.T. Specification Cylinders and Hose Assemblies.

(a) The required equipment for testing low pressure non-D.O.T. specification cylinders and hose assemblies consists of the following:

(1) Cylinders and hose assemblies shall be tested within a protective cage device, or placed behind a protective shield, that will permit visual observation while under pressure for leaks, bulges, and other harmful defects.

(2) A hydrostatic test pump, hand or power operated, shall be capable of producing not less than 150 percent of the test pressure. It is to include appropriate check valves and fittings.

(3) A flexible connection between the test pump and the test cylinder shall be provided with necessary fittings to test through the extinguisher nozzle, test bonnet, or hose outlet, as applicable.

(4) Licensed individuals and licensed companies performing this service shall maintain a license and Certificate of Registration in conformance with Sections 595.5(a) and 595.9(a).

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment of section heading and subsection (a) filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).
3. Amendment of section heading and section filed 11-21-2002; operative 1-1-2003 (Register 2002, No. 47).
4. Amendment of subsection (a)(4) filed 2-28-2007; operative 3-30-2007 (Register 2007, No. 9).

§ 594.4. Testing Procedures.

(a) D.O.T. specification cylinders.

(1) In addition to the visual examination required prior to test as stated in Section 591.6, an internal examination shall be made prior to the hydrostatic test. The procedures for this internal examination shall be in accordance with the requirements of the *Standard for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders* (CGA C-6.1), published by the Compressed Gas Association.

(2) The hydrostatic testing of D.O.T. specification cylinders shall be in accordance with the procedures specified in the pamphlet *Methods for Hydrostatic Testing of Compressed Gas Cylinder* (Pamphlet C-1), published by the Compressed Gas Association.

(b) Low Pressure Non-D.O.T. Specification Cylinders.

(1) All valves and internal parts shall be removed and the extinguisher emptied.

EXCEPTION: On some dry chemical and dry powder extinguishers (cartridge-operated), the manufacturer recommends that certain internal parts not be removed.

(2) All traces of extinguishing material shall be removed from the inside of dry chemical and dry powder type shells before filling with the test liquid.

(3) The cartridges, and some cartridge receivers of dry chemical and dry powder extinguishers having externally mounted gas cartridges, shall be removed and a suitable plug inserted into the shell opening at the point of removal.

(4) On wheeled extinguishers of the stored-pressure water, loaded stream, or cartridge-operated types, the discharge nozzle shall be removed and the complete remaining assembly, including the hose, then tested as described in Section 592.2.

(5) On all wheeled dry chemical, dry powder, Halon 1211, AFFF/FFFP, and carbon dioxide extinguishers equipped with a shutoff nozzle at the outlet end of the hose, the hose (complete with couplings but without the discharge nozzle) shall be removed and tested separately.

(6) On all wheeled stored pressure dry chemical extinguishers, the head assembly is to be removed and be replaced with a suitable test bonnet.

(7) The hose of the hydrostatic test pump is then attached by the flexible connection to the discharge nozzle, hose assembly, test bonnet, or test fitting, as is applicable. In the case of wheeled dry chemical and dry powder extinguishers, procedures and fittings should be those recommended by the manufacturer.

(8) The test liquid supply to the test pump is to be turned on and the extinguisher then filled to the top of its collar.

(9) For extinguishers tested with their cap in place, the cap must be tightened SLOWLY while the test liquid supply remains open. When all of the entrapped air within the shell has been bled off and after test liquid emerges, the cap must be tightened fully.

(10) For extinguisher tested with a test bonnet or fitting, the bonnet or fitting must be tightened FULLY while the water supply remains open. When all of the entrapped air within the shell has been bled off and after test liquid emerges, the vent must be closed tightly.

(11) Pressure is then applied at a rate-of-pressure rise so the test pressure is reached in not less than 30 seconds. This test pressure is maintained for at least 30 seconds. Observations are made at this time to note any distortion or leakage of the extinguisher shell.

(12) If no distortion or leakage is noted and if the test pressure has not dropped, the pressure on the extinguisher shall be released. The extinguisher is then considered to have passed the hydrostatic test.

(13) All traces of test liquid and moisture must be removed from all dry chemical, dry powder, and halogenated agent extinguishers by use of a cylinder dryer. If a heated air stream is used, the temperature within the shell must not exceed 150° F (66° C).

(14) Any extinguisher shell that fails this hydrostatic test must be destroyed by the owner or at the owner's discretion.

(c) Testing Procedures —Hose Assemblies.

(1) The discharge nozzle must be removed from the hose assembly without removal of any hose couplings.

(2) For dry chemical and dry powder types, all traces of dry chemical or dry powder must be removed.

(3) The hose must be completely filled with test liquid before testing.

(4) Pressure is then applied at a rate-of-pressure rise to reach the test pressure within one minute. The test pressure is to be maintained for one full minute. Observations are then made to note any distortion or leakage.

(5) If no distortion or leakage is noted, or the test pressure has not dropped, or the couplings have not moved, the pressure is then to be released. The hose assembly is then considered to have passed the hydrostatic test.

(6) Hose assemblies passing the test shall be dried internally. If heat is used for drying, the temperature shall not exceed 150°F (66°C).

(7) Hose assemblies failing a hydrostatic test must be destroyed by the owner or at the owner's discretion.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment of subsections (a)-(b), (b)(3) and (c)(4), new subsection (c)(6) and redesignation of former subsection (d) as subsection (c)(7) filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).
3. Change without regulatory effect amending subsection (c)(6) filed 7-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 30).
4. Editorial correction of subsection (b)(13) (Register 2007, No. 9).

§ 594.5. Recording of Tests.

(a) High Pressure D.O.T. Specification Cylinders. For high pressure cylinders passing a hydrostatic test, the month and year shall be stamped in accordance with the requirements set forth by D.O.T. Recording (stamping) shall be placed only on the shoulder, top head, neck, or foot-ring (when so provided) of the cylinder.

(b) Low Pressure D.O.T. Cylinders. Extinguisher shells of low pressure D.O.T. cylinders that pass a hydrostatic test shall have the test information provided in accordance with D.O.T. requirements and recorded on a suitable metallic label or equally durable material. The label shall be affixed by a heatless process to the shell. These labels shall be self-destructive when removal from an extinguisher shell is attempted. The label shall include the following information:

(1) Month and year the test was performed, indicated by a perforation, such as by a hand punch.

(2) Test pressure used.

(3) Name, address and license number (E#) of the concern.

(4) For D.O.T. Specification cylinders, the D.O.T. Retesters Identification Number (RIN), if applicable.

(5) For D.O.T. Specification cylinders, the letter "S" if the Modified Test Method was used.

(c) Low Pressure (non-D.O.T.) Cylinders. Extinguisher shells of low-pressure non-D.O.T. cylinders that pass a hydrostatic test shall have the test information recorded on a suitable metallic label or equally durable material. The label shall be affixed by a heatless process to the shell. These labels shall be self-destructive when removal from an extinguisher shell is attempted. The label shall include the following information:

(1) Month and year the test was performed, indicated by a perforation, such as by a hand punch.

(2) Test pressure used.

(3) Name, address and license number (E#) of the concern.

(4) A written or electronic log shall be maintained of all low-pressure (non-D.O.T.) cylinders which are hydrostatically tested. The log information shall be patterned after the D.O.T. recording requirements and shall include, but will not be limited to: the date, location of extinguisher, type, rating, brand, serial number and the name and EE# of individuals performing the service and the E# of the company they work for.

(d) Hose assemblies. Hose assemblies passing a hydrostatic test do not require recording.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).
3. New subsection (c)(4) filed 11-21-2002; operative 1-1-2003 (Register 2002, No. 47).

§ 595. Classifications and Definitions.

HISTORY

1. Repealer filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

Article 8. Licensing and Certificates of Registration

§ 595.1. Document Transfers.

(a) A license is not transferable except by the State Fire Marshal.

(b) The State Fire Marshal may transfer a license upon submission of a new license application form and payment of appropriate fees.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Sections 13160, 13175, 13178 and 13184, Health and Safety Code.

HISTORY

1. Amendment of NOTE (1) filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 75, No. 32.
2. Repealer and new section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
3. Amendment of subsection (a) filed 2-28-2007; operative 3-30-2007 (Register 2007, No. 9).

§ 595.2. Expired Documents.

Application for renewal of any class of license or for a Certificate of Registration which has expired shall be considered as an original application.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160, 13166, 13167, 13179, 13180, and 13189, Health and Safety Code.

HISTORY

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Repealer and new section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 595.3. Minimum Ages.

(a) A license shall not be issued to any person under 18 years of age.

(b) A Certificate of Registration shall not be issued to any person under 18 years of age.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. Repealer and new section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 595.4. Duplicate Issuance.

A duplicate license or Certificate of Registration may be issued by the State Fire Marshal. A written statement describing the reasons for the duplicate issuance shall be submitted by the licensee or registrant before duplicates will be issued. The statement shall explain fully the reason for the destruction of the license. A fee equal to fifty percent (50%) of the original fee shall be submitted for the issuance of a duplicate certificate of registration.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160, 13175 and 13183, Health and Safety Code.

HISTORY

1. Repealer and new section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

§ 595.5. Fire Extinguisher License Types.

(a) Types of licenses are as follows:

(1) Type A. A class of license to service any or all types of fire extinguishers including (2), (3), (4), (5), and (6), below.

(2) Type B. A class of license to perform maintenance and recharging of water based fire extinguishers, and external maintenance of carbon dioxide fire extinguishers.

(3) Type C. A class of license to conduct hydrostatic tests of low pressure fire extinguisher cylinders and the fire extinguisher concern shall possess the test equipment as specified in section 594.3(a) for non-D.O.T. specification cylinders. A fire extinguisher concern possessing this class of license shall be a D.O.T. approved cylinder requalification facility if D.O.T. specification cylinders are tested and the fire extinguisher concern shall possess the test equipment as specified in section 594.2.

(4) Type D. A class of license to perform maintenance and recharging of dry chemical, dry powder and external maintenance of halogenated agent fire extinguishers.

(5) Type E. A class of license to conduct hydrostatic tests of high pressure fire extinguisher cylinders, and perform internal maintenance and recharging of carbon dioxide fire extinguishers. A fire extinguisher concern possessing this class of license shall be a DOT approved cylinder requalification facility.

(6) Type F. A class of license to perform internal maintenance, recharge and recover halogenated agents from portable fire extinguishers. A fire extinguisher concern possessing this license shall have a listed Halon 1211 closed recovery system.

(7) Type L. (Limited). A class of license, limited to public or private entities that are not engaged in the business of servicing fire extinguishers and which only maintain their own portable fire extinguishers. A Type L licensee may only perform maintenance of stored pressure dry powder and dry chemical fire extinguishers, water type and wet chemical type fire extinguishers and external annual maintenance of halogenated agent and carbon dioxide fire extinguishers.

(b) Every class of license shall be identified by type as specified above according to the act or acts performed by the licensee or by any of the owner's employees. Every licensed concern shall be staffed by qualified personnel and shall be properly equipped to perform the act or acts for the type of license issued.

(c) Any licensed concern may take orders for the performance of any acts for which the concern is not classified provided these orders are consigned to another licensed concern that is classified (based on 595.5(d)) to perform such acts.

(d) Every licensed concern who is not authorized to perform specific acts shall have on file with the State Fire Marshal reciprocal letters of agreement to perform those specific acts from licensed concerns who are authorized. All required reciprocal letters of agreement shall be submitted to the State Fire Marshal with each original, renewal and status change application for a license. Any changes to reciprocal letters of agreement shall be reported to the State Fire Marshal within 15 days of the change.

(e) A licensee is only authorized to perform those specific acts for which a license has been granted by the State Fire Marshal. Qualifications for a licensee shall consist of having the necessary tools, equipment, service manuals, recharging agents and materials, lubricants, replacement parts and qualified experienced personnel for each specific act. Each licensed concern shall submit evidence of qualifications to the State Fire Marshal with each original, renewal and status change application for license.

(f) A prospective licensee must provide written proof of their service experience in order to be licensed. The prospective licensee shall provide written documentation that they have at least 24 months of experience in the servicing, maintenance, recharging, repairing, hydrostatic testing and installation of portable fire extinguishers. This shall be accomplished by having their fire extinguisher service employer submit letter (s) on their letter head attesting to this experience. This correspondence shall indicate their length of employment, an estimate of the number and type of

portable fire extinguishers that they have experience with and a statement that the individual has the necessary experience to obtain a license. Additional documentation may include training certificates from the various fire extinguisher manufacturers and college classes related to Fire Science.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13163, Health and Safety Code.

HISTORY

1. Repealer and new section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment of section heading and section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).
3. Amendment of subsection (a)(3) and new subsection (f) filed 11-21-2002; operative 1-1-2003 (Register 2002, No. 47).

§ 595.6. Concern Name.

(a) In the event two applications are received by the State Fire Marshal, both of which propose the use of the same or similar concern name, priority will be given to the application bearing the earliest receipt date.

(b) Once a concern license has been issued, there shall be no changes made to the concern name unless the change has been approved in advance by the State Fire Marshal.

(c) The State Fire Marshal shall verify and approve any proposed concern name as it relates to public safety and deceptive practices.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160, 13163, 13164, 13171 and 13172, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 595.7 to new section 595.6 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 595.7. Business Location.

For purpose of licensing, post office box numbers, mail forwarding establishments, telephone answering service establishments and other such similar establishments are not acceptable as physical business locations. Licensees shall provide the State Fire Marshal with the actual physical business location from which business is conducted. This address shall match the physical address as listed on the Fire Extinguisher Concern License. Each applicant shall furnish a valid local business license from the local community that matches their physical address as listed on the "Fire Extinguisher Concern License". A licensed concern shall notify the State Fire Marshal of a change of location on a Fire Extinguisher Concern License Status/Change application form and submit a fee of \$125.00.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160, 13163, 13164, 13169, 13170, 13172 and 13174, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering of former section 595.7 to section 595.6 and renumbering and amendment of former section 595.8 to section 595.7 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 595.8. Posting of License.

Every license issued according to these regulations shall be posted on the premises of the licensee's location. Licenses shall be readily available for inspection during regular business hours by the local inspection authority or by the State Fire Marshal.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160 and 13173, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering of former section 595.8 to section 595.7 and renumbering of former section 595.9 to section 595.8 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 595.9. Certificates of Registration.

(a) Every certificate of registration shall indicate the type of acts or acts to be performed as follows:

(1) Type 1—Recharge and maintenance of any or all types of fire extinguishers.

(2) Type 2—Hydrostatic test any or all low pressure non-D.O.T. specification fire extinguisher cylinders.

(3) Type 3—Hydrostatic test any or all D.O.T. specification fire extinguishers cylinders.

(b) Any person holding a valid certificate of registration may take orders for the performance of any act or acts for which authorization has not been granted. These orders shall be consigned to the licensed company for which they have a binding reciprocal agreement on file with the State Fire Marshal and who is qualified and authorized to perform such act or acts.

(c) A person holding a valid certificate of registration shall not perform any act for a fee unless the person also holds a valid license or is employed by a concern possessing a valid license.

(d) Persons possessing a Certificate of Registration and employed by a licensed concern may perform only those acts which the licensed concern is authorized to do and for which the employee is qualified. In the case of an independent contractor, franchisee, or any other arrangement in which the certificate of registration holder is an independent business concern, a valid license is required to be in the name of the independent concern.

EXCEPTION: Contractual arrangements between persons possessing a certificate of registration and a licensed concern are permitted only if the licensed concern provides the State Fire Marshal written evidence that a contractual agreement is in effect, that the contracted person is insured (as specified in section 595.13), and that the licensed concern will assume full responsibility for the actions of the contracted person with respect to these regulations.

(e) To be issued or have renewed a Certificate of Registration, an individual has to either hold a valid portable fire extinguisher company license or be employed by a company possessing a valid portable fire extinguisher company license.

NOTE: Authority: Sections 13160, 13175 and 13192, Health and Safety Code. Reference: Sections 13160, 13162 and 13175, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering of former section 595.9 to section 595.8 and renumbering and amendment of former section 595.10 to section 595.9 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 595.10. Examination Procedures.

(a) Every person who performs any act or acts within the scope of a Certificate of Registration shall pass a written examination which may be supplemented by practical tests when deemed necessary on such act or acts in accordance with the provisions of this chapter.

(b) Any applicant who has failed the examination may re-apply and take another examination not less than fifteen (15) days from the date of the first examination after filing a new application and paying the required fee.

(c) Beginning on January 1, 1994, every four years at time of renewal when deemed necessary by the State Fire Marshal, applicants for renewal of Certificates of Registration shall successfully pass a written examination as required by Section 13177, Health and Safety Code.

(d) Any applicant failing to take an examination applied for within thirty (30) days of the date of eligibility must re-apply for the intended examination with payment of appropriate fees.

(e) Every person taking an examination for a certificate of registration has the right to contest the validity of individual questions in such examination.

(1) Upon conclusion of the examination process, the person taking the examination may request review of the test with staff of the Office of the State Fire Marshal.

(2) Any challenge as to the validity of individual questions of an examination must be made in writing within 72 hours after taking said examination. Challenges shall state the reason for the objection.

(3) The decision as to the action to be taken on the submitted challenge shall be by the State Fire Marshal and such decision shall be final.

(4) The action taken by the State Fire Marshal shall be reflected in all future examinations but shall not affect the grades established in any past examination.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160, 13177, 13178 and 13185, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering of former section 595.10 to section 595.9 and renumbering and amendment of former section 595.11 to section 595.10 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 595.11. Possession of Certificate of Registration.

Certificates of Registration shall be carried by the person to whom it is issued whenever he or she is performing functions or services regulated by this chapter.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13178, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering of former section 595.11 to section 595.10 and renumbering and amendment of former section 595.12 to section 595.11 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 595.12. Employer's Responsibility.

Every licensed concern shall annually, within seven days of employment and within seven days of termination of employment, report to the State Fire Marshal in writing, the name, address, and certificate of registration number and type, of every person performing any act of maintenance, recharging or hydrostatic testing of portable fire extinguishers for such licensed concern.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13174, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering of former section 595.12 to section 595.11 and renumbering and amendment of former section 595.13 to section 595.12 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 595.13. Insurance.

(a) Any person, firm, or corporation applying for a license or the renewal of a license to service portable fire extinguishers shall furnish to the State Fire Marshal and maintain and keep in force at all times a current policy of public liability and property damage insurance. The policy shall provide limits of bodily injury and property damage of not less than one million dollars (\$1,000,000.00) combined single limit for each occurrence annually as payment for damages to persons or property which may result from or be caused by the negligent servicing of portable fire extinguishers by the licensee, his, her, or its agents, servants, employees or certificate holders performing the service.

EXCEPTION: "Persons, firms, corporations or public entities," not engaged in the business of servicing fire extinguishers for a fee, who only maintain their own portable fire extinguishers.

(b) The certificate of insurance shall provide all of the following:

(1) That the insurer will not cancel the insured's policy without fifteen days prior written notice to the State Fire Marshal; and

(2) That the insured license-holder, and all certificate holders acting as employees under the license-holder, are included as additional insurers, but only insofar as operations within the scope of the licensing requirements are covered; and

(3) That the State of California shall not be responsible for any premiums or assessments on the policy.

(c) Persons, firms, corporations or public entities not engaged in the business of servicing fire extinguishers, for a fee, who only maintain their own portable fire extinguishers shall annually provide to the State Fire Marshal a written statement that the State of California shall be held harmless from any and all actions of their employees who maintain a valid certificate of registration while performing their portable fire extinguisher activities.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13165, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering of former section 595.13 to section 595.12 and renumbering and amendment of former section 595.14 to section 595.13 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 595.14. Insurance.**HISTORY**

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering and amendment of former section 595.14 to section 595.13 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

Article 9. Tagging, Marking, Labeling and Seal of Registration

§ 596. General.

(a) Annual Maintenance Tags, Verification of Service Collars, and Hydrostatic Test Labels required in accordance with this chapter shall be approved by the State Fire Marshal and shall conform with the provisions of this Article. One facsimile or printers proof showing both sides of each tag, collar, or label shall be submitted to the State Fire Marshal for approval with each original and renewal application for license, when the licensed concern changes address or license type(s), and whenever tags, collars, or labels are redesigned or revised. Tags, collars, or labels shall not contain false and misleading statements as determined by the State Fire Marshal. Tags, collars, or labels approved by the State Fire Marshal shall not be used for any purpose other than to reflect servicing or selling of an approved portable fire extinguisher.

(b) Annual Maintenance Tag.

(1) Each fire extinguisher that has undergone annual maintenance as required in this Chapter shall have an Annual Maintenance Tag attached in accordance with this Article.

(c) Verification of Service Collar.

(1) Each extinguisher that has undergone maintenance, which includes internal examination or has been recharged as required in this chapter shall have a Verification of Service Collar attached in accordance with this Article.

EXCEPTION: Cartridge/cylinder-operated fire extinguishers do not require a Verification of Service Collar.

(d) Hydrostatic Test Label.

(1) All low pressure fire extinguishers successfully passing a hydrostatic test shall have a hydrostatic test label affixed in accordance with this Article.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Sections 13160, 13183, 13190.1, 13190.2 and 13190.3, Health and Safety Code.

HISTORY

1. Repealer and new section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).
3. Repealer of subsections (c)-(c)(4) and subsection relettering filed 11-21-2002; operative 1-1-2003 (Register 2002, No. 47).

§ 596.1. Required Information.

(a) Annual Maintenance tags shall bear the following information machine printed on them:

- (1) The words "Do not Remove by Order of the State Fire Marshal" shall be placed at the top of the tag.
- (2) Concern Name as listed on license.
- (3) Concern Business Location in accordance with Section 595.7.
- (4) License Number ("E" Number.) and License Type
- (5) Service Maintenance/New Extinguisher Block.
- (6) Date service performed.
- (7) Certificate of Registration. Provide printed "EE" number followed by space for individuals number (note format Section 596.4.)
- (8) The Seal of Registration of the Office of State Fire Marshal. (See Section 596.11).
- (9) Space or line for signature of person performing or supervising the service work.
- (10) Valid local telephone number for the licensed concern.

(b) The above information shall appear on one side of the Annual Maintenance tag. All other desired printing or information except association or company logos shall be placed on the reverse side of the tag. Association and company logos if printed on the information side of the tag

shall be confined to the area of the tag used for the name and address of the licensee.

(c) Verification of Service Collars shall bear the following information machine printed on them;

- (1) The words "Do Not Remove by Order of the State Fire Marshal."
 - (2) The words "Verification of Service."
 - (3) License Number ("E" Number).
 - (4) Date (month and year) maintenance performed.
 - (5) Certificate of Registration. Provide printed "EE" Number followed by space for individuals' number (note format Section 596.4)
 - (6) Space for signature of person performing or supervising the service work.
 - (7) Concern name as listed on license.
- (d) Hydrostatic Test Labels shall bear the following information machine printed on them:
- (1) Concern Name.
 - (2) Concern Address.
 - (3) License Number ("E" Number).
 - (4) D.O.T. RIN (if applicable).
 - (5) Date (month and year) test performed.
 - (6) Means to record the hydrostatic test pressure used in PSI.
 - (7) The letter "S" (for modified test method, if applicable).

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Sections 13160 and 13183, Health and Safety Code.

HISTORY

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Amendment of subsection (b)(2) filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer and new section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
4. Amendment of section heading and section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).
5. New subsections (a)(10) and (d)(8) filed 11-21-2002; operative 1-1-2003 (Register 2002, No. 47).
6. Amendment of subsections (a)(4), (a)(7) and (c)(5) and repealer of subsection (d)(8) filed 2-28-2007; operative 3-30-2007 (Register 2007, No. 9).

§ 596.2. Size Color and Material.

(a) Annual Maintenance Tags shall be machine-printed, four and three-fourths inches (4 3/4") in length and two and three-eighths inches (2 3/8") in width with a one-half inch (1/2") deviation for each dimension permissible.

(b) Verification of Service collars shall be made from a single circular piece of uninterrupted material forming a hole of a size that will not permit the collar assembly to move over the neck of the container unless the valve is completely removed. The collar shall not interfere with the operation of the fire extinguisher.

(c) Hydrostatic Test Labels shall be three inches (3") in width and two and one-fourth inches (2 1/4") in length with a one-fourth inch (1/4") deviation for each dimension permissible.

(d) Annual Maintenance Tags, Verification of Service collars and Hydrostatic Test Labels shall not be red in color.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Sections 13160 and 13183, Health and Safety Code.

HISTORY

1. Repealer and renumbering and amendment of former section 614.1 to section 596.2 filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment of section heading and section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).
3. Repealer of subsection (b) and subsection relettering filed 11-21-2002; operative 1-1-2003 (Register 2002, No. 47).
4. Amendment of subsection (a) and new NOTE filed 2-28-2007; operative 3-30-2007 (Register 2007, No. 9).

§ 596.3. Attaching Tag.

(a) One Annual Maintenance Tag shall be attached to each portable fire extinguisher in such a position as to be conveniently inspected. The annual maintenance tag may be attached to the extinguisher by means of wire, string, or plastic ties or by the use of a self-adhesive tag approved by the State Fire Marshal. Self-adhesive tags shall be placed in such a

position as to be conveniently read but shall not be placed on the front of the extinguisher.

(b) One Verification of Service collar shall be installed on each portable fire extinguisher as required by Section 596(d)(1) in the following manner;

(1) The Verification of Service collar shall be installed on the neck of the fire extinguisher cylinder while the valve assembly is removed for maintenance. After the valve assembly is replaced and the maintenance completed, the collar will be trapped by the valve assembly so the collar cannot be removed.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13190.1, 13190.2 and 13190.3, Health and Safety Code.

HISTORY

1. Repealer and renumbering and amendment of former section 614.2 to section 596.3 filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Amendment filed 12-27-2001; operative 1-1-2002 pursuant to Government

Code section 11343.4 (Register 2001, No. 52).

3. Repealer of subsection (b) and subsection relettering filed 11-21-2002; operative 1-1-2003 (Register 2002, No. 47).

§ 596.4. Format.

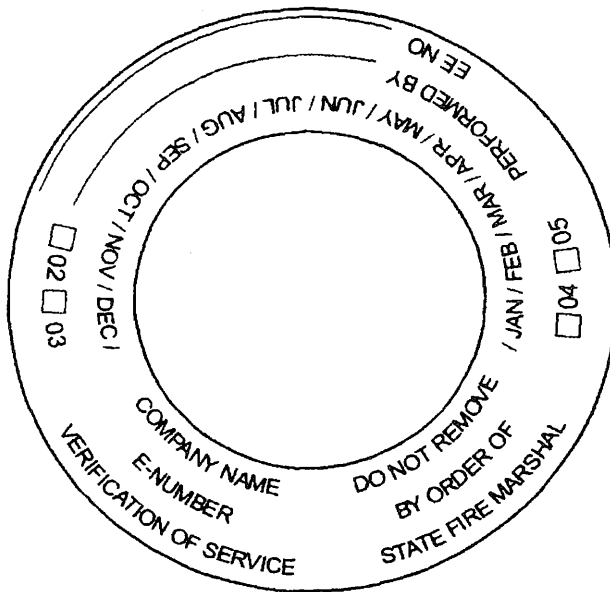
The following format shall be used for all Annual Maintenance tags, Verification of Service collars, and Hydrostatic Test labels subject to the use requirements of Section 596.1, 596.2, and 596.3.

(a) The maximum number of blocks identifying the year of service shall not exceed five (5).

NOTE: Dates shown on tag format are examples only.

(b) Every Annual Maintenance tag, Verification of Service collar, and Hydrostatic Test label attached to an extinguisher shall be approved by the State Fire Marshal and conform to this Article.

EXCEPTION: Maintenance tags or Hydrostatic Test labels previously approved by the State Fire Marshal may be utilized until March 31, 2002.



VERIFICATION OF SERVICE COLLAR

DO NOT  REMOVE BY ORDER OF THE STATE FIRE MARSHAL																
16	17	18	19	20	21	22	23	24	25	26	27	28	29	30 31	Type  EE _____ (Cert. Reg. No.) (Signature) Name and Address of Firm	DEC 2006 NOV 2006 OCT 2006 SEP 2006 AUG 2006 JUL 2006 JUN 2006 MAY 2006 APR 2006 MAR 2006 FEB 2006 JAN 2006
ANNUAL MAINTENANCE PERFORMED ☐																
NEW EXTINGUISHER ☐																

ANNUAL MAINTENANCE TAG

2002			2003			2004			2005			2006		
1	2	3	4	5	6	7	8	9	10	11	12			
CONCERN NAME														
ADDRESS										RIN				
E-NUMBER														
HYDROSTATICALLY TESTED AT PSI. ☐ S-MODIFIED TEST														
1	2	3	4	5	6	7	8	9	10					
1	2	3	4	5	6	7	8	9	10					
1	2	3	4	5	6	7	8	9	10					

HYDROSTATIC TEST LABEL
D.O.T SPECIFICATION CYLINDERS

2002			2003			2004			2005			2006		
1	2	3	4	5	6	7	8	9	10	11	12			
CONCERN NAME														
ADDRESS														
E-NUMBER														
HYDROSTATICALLY TESTED ATPS.I.														
1	2	3	4	5	6	7	8	9	0					
1	2	3	4	5	6	7	8	9	0					
1	2	3	4	5	6	7	8	9	0					

HYDROSTATIC TEST LABEL
NON-D.O.T SPECIFICATION CYLINDERS

FORMAT

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160 and 13183, Health and Safety Code.

HISTORY

1. Amendment of subsection (b) filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).

2. Repealer and new section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
3. Amendment of section heading and section filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 596.5. Date Serviced and Signature.

On the date service was performed, the date of service, a legible Certificate of Registration number (EE -- --) and the signature of the person performing or supervising the servicing shall be written on the tag or collar in the space provided. The signature shall be as defined in Section 557.19(d) of this Subchapter. A rubber stamp of name or initials is not acceptable.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13183, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer of former section 596.5 and renumbering and amendment of former section 596.6 to section 596.5 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 596.6. Restrictive Use.

(a) Portable fire extinguishers permanently removed from service due to non-conformance with the requirements of this Chapter shall not be tagged except as provided for in Section 577.1(b).

(b) Annual Maintenance Tags, Verification of Service collars, and Hydrostatic Test labels required by this Article shall not be attached to any portable fire extinguisher unless such service has actually been performed or supervised by the person affixing such tag.

(c) The Annual Maintenance Tag as described in Section 596.1(a) bearing the seal of the State Fire Marshal shall not be attached in any manner to any device or system which is not a portable fire extinguisher.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160 and 13185, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering of former section 596.6 to section 596.5 and renumbering and amendment of former section 596.7 to section 596.6 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).
3. Change without regulatory effect amending subsection (a) filed 7-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 30).

§ 596.7. Removal of Tag.

(a) No person shall remove any tag, collar or label required by this Article from a portable fire extinguisher except when service is performed.

(b) No person shall deface, modify, or alter any tag collar or label required by this Article to be attached to any portable fire extinguisher.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160 and 13185, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering of former section 596.7 to section 596.6 and renumbering and amendment of former section 596.8 to section 596.7 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 596.8. Listed Labels.

(a) Every portable fire extinguisher shall bear a listed label in accordance with standards listed in Section 561.2.

(b) The location of Portable Fire Extinguisher labels shall conform to Section 561.2.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160, 13162 and 13177, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering of former section 596.8 to section 596.7 and renumbering and amendment of former section 596.9 to section 596.8 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 596.9. Unlawful Use of Listed Label.

(a) Listed labels bearing the rated classification shall not be placed upon any fire extinguisher unless specifically authorized by an agency approved and qualified to perform tests as prescribed in this subchapter.

(b) Any label bearing the rated classification of an extinguisher shall not be permanently removed from such extinguisher.

(c) A fire extinguisher which does not bear a label but was in fact previously labeled pursuant to these regulations may be serviced, provided that substantiating evidence of such previous labeling can be documented. "Evidence" shall mean a copy of a bill of lading, sales receipt or other documents specifying purchase details, or other conclusive data attesting to the approval of the fire extinguisher.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160, 13162 and 13177, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering of former section 596.9 to section 596.8 and renumbering and amendment of former section 596.10 to section 596.9 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 596.10. Marking of Fire Extinguishers.

(a) No fire extinguisher shall have markings stamped, engraved, or otherwise marked on the shell except:

(1) Extinguishers marked at time of manufacture by the manufacturer in a manner found acceptable to an approved testing agency.

(2) High Pressure Cylinders.

(b) Engraving on the skirt, valve, handle or control lever with an engraving pencil is permitted.

(c) Existing aluminum shell extinguishers and existing mild steel extinguishers having engraving on the shell, shall be permitted to remain in service under the following conditions:

(1) Aluminum shell extinguisher is hydrostatically tested biannually to ensure their structural integrity.

(d) Existing fire extinguishers of copper, brass, or other similar wall construction which have been engraved on the extinguisher shell with other than an electric engraving pencil or which have been stamped on the shell in any manner shall be removed from service and discarded in accordance with Section 577.1.

(e) All future engraving permitted on any extinguisher shall be performed with an electric engraving pencil.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160, 13162 and 13177, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering of former section 596.10 to section 596.9 and renumbering and amendment of former section 596.12 to section 596.10 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 596.11. Seal of Registration.

(a) The official Seal of Registration of the State Fire Marshal shall consist of a series of concentric circles lettered as follows:

Outer Circle

Upper half: "Registered"

Lower half: "Fire Extinguisher"

Inner Circle

Upper half: "State of California"

Lower half: "State Fire Marshal"

In the center shall appear five crossed trumpets.

Appended above the outer circle and in a central position shall be a box provided for displaying type of license issued.

Appended below the outer circle and in a central position shall be a box provided for displaying the license number assigned to the concern by the State Fire Marshal.

(b) Every reproduction of the Seal of Registration and every letter and number placed thereon, shall be no smaller than 8 point size to render such seal, letter, and number distinct and clearly legible.



NOTE: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160, 13165, 13178 and 13183, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Repealer of former section 596.11 and renumbering and amendment of former section 596.13 to section 596.11 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 596.12. Permissive Use.

Licensed concerns shall use the Seal of Registration on every Annual Maintenance Tag required by this chapter and may use such seal for any of the following purposes:

- (1) Labels for containers of approved portable fire extinguishers.
- (2) Labels for portable fire extinguishers not otherwise prohibited by this chapter.
- (3) Printed matter including advertising matter and copy for publication.
- (4) Letterhead, personnel cards and similar stationery.
- (5) Stencils for any of the above.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering of former section 596.12 to section 596.10 and renumbering and amendment of former section 596.14 to section 596.12 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 596.13. Unlawful Use.

No person or concern shall produce, reproduce, or use this seal in any manner or for any purpose except as provided in this article.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering of former section 596.13 to section 596.11 and renumbering of former section 596.15 to section 596.13 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 596.14. Cease Use Order.

No person or concern shall continue the use of the Seal of Registration in any manner or for any purpose after receipt of a cease and desist notice in writing from the State Fire Marshal or upon the suspension or revocation of the concern's license.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).

2. Renumbering of former section 596.14 to section 596.12 and renumbering of former section 596.16 to section 596.14 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 596.15. Unlawful Use.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering of former section 596.15 to section 596.13 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

§ 596.16. Cease Use Order.

NOTE: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. New section filed 3-4-92; operative 4-3-92 (Register 92, No. 15).
2. Renumbering of former section 596.16 to section 596.14 filed 12-27-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 52).

Article 12. Requirements for All Approved Fire Extinguishers

§ 597. General.

HISTORY

1. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 597.1. Yearly Service.

HISTORY

1. Amendment filed 4-16-64; effective thirtieth day thereafter (Register 64, No. 8).
2. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 597.2. Cartridges.

NOTE: For replacement requirements see sections 603.4(b), 604.3(a), and 606.1(b).

HISTORY

1. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 597.3. Service Tags.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Sections 13190.1, 13190.2 and 13190.3, Health and Safety Code.

HISTORY

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Amendment filed 6-15-84 as an emergency; effective upon filing (Register 84, No. 26). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-13-84.
3. Certificate of Compliance as to 6-15-84 order transmitted to OAL 8-23-84 and filed 9-21-84 (Register 83, No. 38).
4. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 597.4. Hydrostatic Test.

HISTORY

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Amendment of subsections (a)(4) and (b) filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 597.5. Restricted Service.

HISTORY

1. Change without regulatory effect repealing section filed 7-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 30).

§ 597.6. Wheeled Extinguishers.

HISTORY

1. Change without regulatory effect repealing section filed 7-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 30).

§ 597.7. Stainless Steel Extinguishers.

HISTORY

1. Change without regulatory effect repealing section filed 7-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 30).

§ 597.8. Service.**HISTORY**

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Change without regulatory effect repealing section filed 7-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 30).

§ 597.9. Seals.**HISTORY**

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 597.10. Converted Extinguishers.**HISTORY**

1. Repealer of subsection (b) filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Change without regulatory effect repealing section filed 7-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 30).

§ 597.11. Installation.**HISTORY**

1. Change without regulatory effect repealing section filed 7-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 30).

Article 13. Standard Fire Pails, Drums with Pails, Bucket Tanks

§ 598. General.

Standard fire pails, drums with pails and bucket tanks shall comply with the provisions of this article.

HISTORY

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).

§ 598.1. Rating.

Standard fire pails, drums with pails, and bucket tanks shall be classified as having two units of Class A extinguishing potential when in the following capacities:

- (a) Five 12-quart water-filled standard fire pails.
- (b) Six 10-quart water-filled standard fire pails.
- (c) Drum, cask or barrel of approximately 55-gallon capacity, with at least three standard fire pails attached.
- (d) Bucket tanks of 25 to 55 gallon capacity, with not less than one standard fire pail, as per (a) or (b) above, immersed therein.

§ 598.2. Construction.

(a) Fire pail shall be made of galvanized iron or steel stock at least No. 24 U.S.S. gauge, with bottom welded in place or otherwise suitably reinforced, furnished with standard ears welded in place and with strong wire bail and loose fitting metal cover.

(b) Casks, drums or barrels should be of metal of at least No. 24 U.S.S. gauge but may be of any material free from leaks and having the durability necessary as determined by the inspection authority. They shall be provided with loose fitting covers. Fire pails therewith shall be hung on the sides of the containers or immersed therein.

HISTORY

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).

§ 598.3. Signs.

Pails, casks, drums, or bucket tanks shall be painted bright red with the word "Fire" stenciled on their outside with black paint. Lettering shall be not less than five inches (5 in.) in height with a stroke of not less than one-half inch (1/2 in.).

§ 598.4. Anti-Freeze Solution.**HISTORY**

1. Repealer filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).

Article 14. Water Type Extinguishers

§ 603. Construction.**HISTORY**

1. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 603.1. Anti-Freeze Solution.**HISTORY**

1. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 603.2. Prohibited Use of Salt.**HISTORY**

1. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 603.3. Prohibited Locations.**HISTORY**

1. Change without regulatory effect repealing section filed 7-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 30).

§ 603.4. Replacement of Equipment.**HISTORY**

1. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 603.5. Chemical Mixing.**HISTORY**

1. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

Article 15. Vaporizing Liquid Extinguishers

§ 604. Construction.**HISTORY**

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 604.1. Prohibited Use of Water.**HISTORY**

1. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 604.2. Prohibited Locations.**HISTORY**

1. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 604.3. Recharge.**HISTORY**

1. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 604.4. Warning Label.**HISTORY**

1. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 604.5. Sales.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Sections 13160-13190.4, Health and Safety Code.

HISTORY

1. New section filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32). For history of former section, see Register 66, No. 9.
2. Amendment filed 11-15-80; effective thirtieth day thereafter (Register 80, No. 46).
3. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 604.6. Existing Installations.**HISTORY**

1. Repealer filed 4-5-66; effective thirtieth day thereafter (Register 66, No. 9).

Article 16. Carbon Dioxide Extinguishers

§ 605. Construction.**HISTORY**

1. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

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§ 605.1. Prohibited Location.

HISTORY

1. Change without regulatory effect repealing section filed 7-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 30).

§ 605.2. Recharge.

HISTORY

1. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

Article 17. Dry Chemical Extinguishers**§ 606. Construction.**

HISTORY

1. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 606.1. Recharge.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

HISTORY

1. Amendment filed 4-16-64; effective thirtieth day thereafter (Register 64, No. 8).
2. Change without regulatory effect repealing subsection (c) and adding NOTE filed 7-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 30).
3. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 606.2. Prohibited Use of Water.

HISTORY

1. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 606.3. Prohibited Location.

HISTORY

1. Change without regulatory effect repealing section filed 7-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 30).

§ 606.4. Intermixing of Chemicals.

HISTORY

1. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

**Article 18. Liquefied Gas Extinguishers
(Halogenated Extinguishing Agents)****§ 607. Construction.**

HISTORY

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 607.1. Recharge.

HISTORY

1. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

**Article 19. Hydrostatic Test Procedures
Wet Chemical and Non-D.O.T. Cylinders****§ 608. General.**

HISTORY

1. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 608.1. Test Apparatus.

HISTORY

1. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 608.2. Preparation for Test.

HISTORY

1. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 608.3. Method of Application.

HISTORY

1. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 608.4. Required Test Pressure.

HISTORY

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 608.5. Condition of Acceptance.

HISTORY

1. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 608.6. Removal of Moisture.

HISTORY

1. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 608.7. Test Record.

HISTORY

1. Change without regulatory effect repealing section filed 7-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 30).

§ 608.8. Alternate Test Equipment and Liquids.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Section 13160-13190.4, Health and Safety Code.

HISTORY

1. New section filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Change without regulatory effect repealing section filed 7-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 30).

**Article 20. Hydrostatic Test Procedure for
D.O.T. Cylinders****§ 609. General.**

HISTORY

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 609.1. Scope.

HISTORY

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 609.2. Water Jacket Volumetric Expansion Method.

HISTORY

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 609.3. Methods of Test.

HISTORY

1. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

**§ 609.4. Water Jacket Leveling. Burette. Power Driven
Pump. Pressure Connected to Cylinder
Outside Water Jacket.**

HISTORY

1. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

**§ 609.5. Water Jacket Rod Displacement. Hand Pressure
Pump. Pressure Connection to Cylinder
Outside Water Jacket.**

HISTORY

1. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

**§ 609.6. Water Jacket Leveling Burette. Hand Pressure
Pump. Pressure Connection to Cylinder
Outside Water Jacket.**

HISTORY

1. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

**§ 609.7. Water Jacket Leveling Burette. Power Driven
Pump. Pressure Connection to Cylinder Inside
Water Jacket.**

HISTORY

1. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 610. Direct Expansion Method.**HISTORY**

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 611. Pressure Recession Method.**HISTORY**

1. Repealer filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).

§ 612. Proof Pressure Method.**HISTORY**

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 613. Test Record.**HISTORY**

1. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

Article 21. Service Tags and Internal Maintenance Tags

§ 614. General.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Sections 13190.1, 13190.2 and 13190.3, Health and Safety Code.

HISTORY

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Amendment filed 6-15-84 as an emergency; effective upon filing (Register 84, No. 26). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-13-84.
3. Certificate of Compliance as to 6-15-84 order transmitted to OAL 8-23-84 and filed 9-21-84 (Register 84, No. 38).
4. Change without regulatory effect repealing section filed 7-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 30).

§ 614.1. Size and Color.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Sections 13190.1, 13190.2 and 13190.3, Health and Safety Code.

HISTORY

1. Amendment filed 6-15-84 as an emergency; effective upon filing (Register 84, No. 26). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-13-84.
2. Certificate of Compliance as to 6-15-84 order transmitted to OAL 8-23-84 and filed 9-21-84 (Register 84, No. 38).
3. Change without regulatory effect repealing section filed 7-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 30).

§ 614.2. Attaching Tag.

NOTE: Authority cited: Section 13160, Health and Safety Code. Reference: Sections 13190.1, 13190.2 and 13190.3, Health and Safety Code.

HISTORY

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Amendment filed 6-15-84 as an emergency; effective upon filing (Register 84, No. 26). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-13-84.
3. Certificate of Compliance as to 6-15-84 order transmitted to OAL 8-23-84 and filed 9-21-84 (Register 84, No. 38).
4. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 614.3. Tag Information.

NOTE: See Sections 13164 and 13170, Health and Safety Code.

HISTORY

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Change without regulatory effect repealing section filed 7-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 30).

§ 614.4. Format.**HISTORY**

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Repealer filed 12-28-2006; operative 1-27-2007 (Register 2006, No. 52).

§ 614.5. New Tag.**HISTORY**

1. Change without regulatory effect repealing section filed 7-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 30).

§ 614.6. Tag Wording.**HISTORY**

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).
2. Change without regulatory effect repealing section filed 7-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 30).

§ 614.7. Removal.**HISTORY**

1. Change without regulatory effect repealing section filed 7-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 30).

§ 614.8. Restrictive Use.**HISTORY**

1. Amendment filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).

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2. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Change without regulatory effect repealing section filed 7-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 30).

Article 22. Specifications for Constructing Enclosures for Protecting Extinguishers Against Freezing

§ 615. Enclosure.

This type of enclosure is for use in climates where temperatures below zero Fahrenheit are encountered; where the temperature does not fall below zero Fahrenheit, enclosure may be constructed of 7/8 inch material without the double wall.

(a) The inside dimensions of enclosure shall be as small as practical, but not to interfere with the quick removal of the extinguisher.

(b) Walls shall be tightly constructed of wood, not less than 1/2 inch thick; the inside of the cabinet to be lined with 1/2 inch wallboard, or its equivalent, so arranged as to leave a 1/2 inch air space between the inside and outside walls.

(c) Door shall be of double construction, closing into a rabbet, hinged and held closed with a spring latch.

(d) Near the bottom of the door, and at point opposite to the incandescent lamp, the door shall be double glazed (size of glass not larger than 4 by 7 inches), with double strength glass, and airspace of 1/2 inch maintained between the glazing. The outer glass should be clear red (or blue) so that the lamp used for heating purposes may be readily observed, and also the location of the extinguisher indicated.

(e) At a point about four inches up from the bottom, there shall be provided four 1/4 inch iron rods set into the sides of the cabinet, and arranged to carry the extinguisher.

(f) Under these rods, on the back of the cabinet, shall be mounted a three-inch conduit box and receptacle. All wiring shall be done in accordance with the National Electrical Code, by means of flexible or rigid conduit, or approved reinforced portable cord.

(g) An incandescent lamp of sufficient capacity (not less than 50 watts) to keep the temperature in cabinet above 40° F., but to in excess of 90° F., shall be continuously burned or thermostatically energized during cold weather.

(h) Electric heaters listed by Underwriters' Laboratories, Inc., may be used under the conditions specified.

Article 23. Table for Conversion of Classification of Older Extinguishers to Approximate Present Classification

§ 616. Method Classification.

Under the present method of classification it is possible for units of the same size to have different classifications. For example, 15-pound carbon dioxide extinguishers may have a classification of 4-B:C, 6-B:C, or 8-B:C, according to the fire extinguishing potential of the individual units. Therefore, an exact conversion from the old method to new method of classification is not possible.

§ 616.1. Use of Table (New).

Wherever fire extinguishers are found with the present classification on the label, this table should not be used. The classification is usable directly in the application of Article 11, "Placement of Portable Fire Extinguishers," of this part.

§ 616.2. Old Classification (Conversion).

Wherever fire extinguishers are found with the old classification on the label, use this table for approximate conversion and use the resulting classification value in applying Article 11 of this part. For example, a 15-pound carbon dioxide extinguisher has the classification "B-1, C-1" on the label. From this table, it is found that the approximate classification under the present method is "4-B,C" (—158).

§ 616.3. Conversion of Extinguisher Classification.

<i>Extinguishing Agent</i>	<i>Extinguisher type and size</i>	<i>Old Classification</i>	<i>Approximate Present Classification</i>
(a) Chemical solution (soda-acid)	(1) 1½, 1½ gallon (2) 2½ gallon (3) 17 gallon (4) 33 gallon	A-2 A-1 A A	1-A 2-A 10-A 20-A
(b) Water	(1) 1½, 1½ gallon (pump or pressure) (2) 2½ gallon (pump or pressure) (3) 4 gallon (pump or pressure) (4) 5 gallon (pump or pressure) (5) 17 gallon (pressure) (6) 33 gallon (pressure) (7) 5 12-qt. or 6 10-qt. water filled pails (8) 55 gallon water filled pails (9) 25 55-gallon water filled tank with above 5 or 6 fire pails	A-2 A-1 A-1 A-1 A A A-1 A-1 A-1	1-A 2-A 4-A 4-A 10-A 20-A 2-A 2-A 2-A
(c) Loaded stream	(1) gallon (2) 1½ and 2½ gallon (3) 33 gallon	A-2, B-4 A-1, B-2 A	1-A 2-A, 1-B 20-A
(d) Foam	(1) 1½ and 1½ gallon (2) 2½ gallon (3) 5 gallon (4) 10 gallon (5) 17 gallon (6) 33 gallon	A-2, B-2 A-1, B-1 A-1, B-1 A, B A, B A, B	1-A, 2-B 2-A, 4-B 4-A, 6-B 6-A, 8-B 10-A, 10-B 20-A, 20-B
(e) Vaporizing Liquid (carbon tetrachloride base)	(1) 1, 1½, 1½-qt. (pump) (2) 1, 1½, 2, 2½-qt. (pressure) (3) 1, 3½-gallon (pressure)	B-2, C-2 B-2, C-2 B-2, C-1	1-B, C 1-B, C 1-B, C
(f) Vaporizing Liquid (chlorobromo methane)	(1) 1 and 1½-qt. (pressure) (2) 1 gallon (pressure)	B-2, C-1 B-2, C-1	1-B, C 2-B, C
(g) Carbon dioxide	(1) 6 or less pounds of carbon dioxide (2) 7½ pounds of carbon dioxide (3) 10 to 12 pounds of carbon dioxide (4) 15 to 20 pounds of carbon dioxide (5) 25 to 28 pounds of carbon dioxide (6) 30 pounds of carbon dioxide (7) 75 pounds of carbon dioxide (8) 100 pounds of carbon dioxide	B-2, C-2 B-2, C-1 B-2, C-1 B-1, C-1 B-1, C-1 B-1, C-1 B-1, C-1 B, C	1-B, C 2-B, C 4-B, C 4-B, C 6-B, C 10-B, C 12-B, C 12-B, C
(h) Dry chemical	(1) 4 to 6½ pounds of dry chemical (2) 7½ pounds of dry chemical (3) 10 to 15 pounds of dry chemical (4) 20 pounds of dry chemical (5) 30 pounds of dry chemical (6) 75 to 350 pounds of dry chemical	B-2, C-2 B-2, C-1 B-1, C-1 B-1, C-1 B-1, C-1 B, C	4-B, C 6-B, C 8-B, C 10-B, C 20-B, C 40-B, C
(i) Wetting agent	(1) 10 gallons (2) 20 gallons (3) 50 gallons	A, B A, B A, B	6-A 12-A 30-A

NOTE: Carbon dioxide extinguishers with metallic horns will not carry any C classification.

§ 617. General.

HISTORY

1. Repealer of Article 24 (Sections 617-619, 619.1-619.3, 620 and 621) filed 8-8-75; effective thirtieth day thereafter (Register 75, No. 32).

Chapter 4. Fire Alarm Systems and Devices

Subchapter 1. Household Fire Warning Equipment

Article 1. General

§ 740. Title.

These regulations and standards shall be known as the "Regulations and Standards of the State Fire Marshal." may be cited, as such, and will be hereinafter referred to as "these regulations."

NOTE: Authority cited: Sections 13114 and 13144.4, Health and Safety Code. Reference: Sections 13100 through 13146.5, Health and Safety Code.

HISTORY

1. New Subchapter 4 (Sections 740 through 760) filed 2-7-74 as an emergency; effective upon filing (Register 74, No. 6). For history of former Subchapter 4, see Register 73, No. 14.
2. Certificate of Compliance filed 3-15-74 (Register 74, No. 11).

§ 741. Scope.

These regulations are intended to provide the criteria with respect to the quality of and the method or manner of installation, for approval and listing of household fire alarm systems and household fire alarm devices of a type intended for use in household occupancies as defined in these regulations.

NOTE: These regulations are not intended to restrict the use of listed household fire warning equipment to any occupancy.

§ 742. Validity.

(a) If any article, section, subsection, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional, contrary

to statute or exceeding the authority of the State Fire Marshal, such decision shall not affect the validity of the remaining portion of these regulations.

(b) If any article, section, subsection, sentence, clause or phrase of these regulations is for any reason held to be inoperative as it applies to any person or circumstance, such decision shall not affect its validity as it applies to any other person or circumstance.

§ 743. Approval and Listing.

No person shall market, distribute, offer for sale, or sell any fire alarm system, or fire alarm device unless such system or device has been previously approved and listed by the State Fire Marshal pursuant to Article 1.5, Subchapter 1, Chapter 1, Title 19, California Administrative Code.

§ 744. Evidence of Approval.

Evidence of approval and listing shall be furnished to a purchaser at the time of purchase or delivery.

HISTORY

1. Amendment filed 3-15-74 as an emergency; effective upon filing. Certificate of Compliance included (Register 74, No. 11).
2. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

Article 2. Definitions

§ 745. Definitions.

For the purpose of these regulations, certain terms, phrases, words, and their derivatives shall be construed as set forth in this section. Words used in the Singular include the plural, and the plural the singular. Definitions contained in Subchapter 1, Chapter 1, Title 19, California Administrative Code, and Article E740, Part 3, Title 24, California Administrative Code, shall be used where not included in these regulations.

(a) Alarm Signal.

An audible signal indicating a fire condition.

(b) Approved.

Refers to approval and listing by the State Fire Marshal as a result of investigations or tests conducted or supervised by him, or by reason of tests by recognized testing laboratories, national authorities, technical or scientific organizations, pursuant to the provisions of Article 1.5, Subchapter 1, Chapter 1, Title 19, California Administrative Code.

(c) Combination System.

A household fire warning system whose components may be used in whole or in part, in common with a non-fire emergency signaling system, such as a Burglar Alarm System or an Intercom System, without degradation or hazard to the fire warning system.

(d) Dwelling Unit.

One or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

(e) Heat Detector.

A device capable of reacting to rapidly rising or elevated temperatures.

(f) Household.

The family living unit in single-family detached dwellings, single-family attached dwellings, multi-family buildings, and mobile homes.

(g) Household Fire Warning System.

A system of interconnected devices that produce an audible alarm signal in the household for the purpose of notifying the occupants of the presence of a fire so they may evacuate the premises.

(h) Living Room.

Means any room frequently occupied as a living area, such as, living room, family rooms, recreation rooms, etc.

(i) Multiple Station Alarm Device.

Single station alarm devices, two or more, which may be interconnected so that actuation of one causes all integral or separate audible alarms to operate. It may also consist of one single station alarm device having connections for other detectors or manual stations.

(j) Sleeping Area.

By "Sleeping Area" is meant the area or areas of a family living unit in which the bedrooms (or sleeping rooms) including hallways servicing bedrooms, are located. Bedrooms separated by common use areas, such as kitchens or living rooms (but not bathrooms), shall be considered as separate sleeping areas for purposes of these regulations.

(k) Single Station Alarm Device.

An assembly incorporating the detector, control equipment, the alarm and trouble sounding device(s) in one unit, operated from an external or internal power supply.

(l) Trouble Signal.

An indication distinctive from the alarm signal warning of a malfunction or failure of the system.

(m) Smoke Detector.

A device which detects visible or invisible particles of combustion.

Article 3. Detailed Requirements

§ 746. Wiring Methods.

(a) General.

All electrical systems shall be designed for installation in accordance with the applicable provisions of Article E740, Part 3, Title 24, California Administrative Code.

EXCEPTION: Electrical systems powered with a Class 2 (low-voltage, low-energy) power supply with an output voltage not in excess of 30 volts, as defined by Article E725, Part 3, Title 24, California Administrative Code.

§ 747. Circuit Wiring.

All installation wiring extended from the output side of a Class 2 power supply shall be either approved "Limited energy cable," or wired in accordance with Article 725, for a Class 1 signaling circuit, of Part 3, Title 24, California Administrative Code.

§ 748. Wire.

Wire used shall be of the solid conductor, non-stranded type.

§ 749. Power Supplies.

(a) General.

All power supplies shall be sufficient to operate the alarm signal(s) for at least four (4) continuous minutes.

§ 750. Primary Power Supply Sources.

(a) Alternating Current (AC).

AC primary source of electrical power, if used, shall be a dependable commercial light and power supply source.

(b) A power supply consisting of a cord connection to an electrical receptacle is acceptable provided the installation makes use of a receptacle not subject to loss of power by a wall switch and a restraining means is used at the plug-in.

(c) Monitored Battery.

Household fire warning equipment may be powered by a battery provided the battery is monitored to assure that the following conditions are met:

(1) All power requirements are met for at least one year's life, including routine testing.

(2) A distinctive audible trouble signal shall be given before the battery is incapable of operating (from aging, terminal corrosion, etc.) the device(s) for alarm purposes.

(3) The audible trouble signal is produced at least every minute for seven consecutive days.

(4) The monitored batteries meeting these specifications shall be clearly identified on the unit near the battery compartment.

§ 751. Secondary Power Supply.

HISTORY

1. Repealer of section filed 6-11-91; operative 6-11-91 (Register 91, No. 44).

§ 752. Primary Power (Non-Electrical).

The source of power for a non-electrical portion of a system, or for single or multiple station device(s) may consist of suitable tanks of non-flammable compressed or liquefied gas approved for the purpose, or suitable mechanically operated devices approved for the purpose. A visible indication shall be provided to show operating power is available.

§ 753. Signaling Circuits and Devices.

(a) General. Each detection device shall cause the operation of an alarm.

NOTE: Alarms should be situated in a manner clearly to be audible in all bedrooms over normal background noise levels with all intervening doors closed. Tests of audibility level should be conducted with all household equipment, which may be in operation at night, in full operation. Examples of such equipment are window air conditioners and room humidifiers.

(b) Audibility. All alarm sounding devices shall have a minimum rating of 85 dba at 10 feet.

§ 754. Detector Location and Spacing.

(a) General. Heat and smoke detectors shall be evaluated, approved and listed for installation in accordance with the provisions of these regulations.

(b) Smoke Detectors. Smoke detectors in rooms with ceiling slopes greater than one-foot rise per 8 feet horizontally shall be located at the high side of the room.

A smoke detector installed at the head of stairs shall be so located as to assure that smoke rising in the stairwell cannot be prevented from reaching the detector by an intervening door or obstruction.

Devices for the detection of invisible particles of combustion shall not be approved for installation in kitchens or the immediate vicinity thereof or any other similar location where the device will be subjected to normal fumes, gases or vapor caused by cooking or similar normal household functions.

(c) Heat Detectors. Heat detectors shall be installed within the strict limitation of their listed spacing and other tested conditions.

The maximum installed spacing shall be 50 percent of the listed spacing in the uphill direction from a detector in a room with a ceiling slope greater than one-foot rise per 8-feet horizontally.

On level ceilings with open joists or beams, all detectors shall be mounted on the bottom of such joists or beams.

Reduced spacing may be required due to structural characteristics of the protected area, possible drafts, or other conditions affecting detector operation. Detectors installed on a joisted ceiling shall have their smooth ceiling spacing reduced where this spacing is measured at right angles to solid joists; in the case of spot detectors this spacing shall not exceed one-half of the listed spacing.

When fixed temperature detectors are used in areas where ceiling temperatures do not exceed 100° F, detectors rated not lower than 135° F and not higher than 165° F shall be used.

When fixed temperature detectors are used in areas where ceiling temperatures normally exceed 100° F, detectors rated not lower than 175° F and not higher than 225° F shall be used. Common examples of such areas are attics, the space near hot air registers, and some furnace rooms. NOTE: Authority cited: Sections 13108, 13114, 13143, 13143.6, and 18897.3, Health and Safety Code. Reference: Sections 13100–13146.5 and 18897–18897.7, Health and Safety Code.

HISTORY

1. Repealer of subsection (d) filed 5–7–79; effective thirtieth day thereafter (Register 79, No. 19). For former history, see Registers 74, No. 11 and 74, No. 4.

§ 755. Detector Standards, Operation and Tests.

Detectors and self-contained smoke and heat detection equipment shall conform to the following:

- (1) Heat detectors shall be capable of detecting abnormally high temperature or rate of temperature rise substantially consistent with UL 521.
- (2) Smoke detectors designed to detect invisible particles of combustion shall be substantially consistent with SFM 72.3.
- (3) Smoke detectors operating on the photoelectric principle shall be substantially consistent with UL 168.

§ 756. Equipment Standards Operation and Tests.

(a) General. The construction details and electrical features, the test for performance, electrical manufacturing and production tests, and the marking of equipment designed for use in a household fire warning system shall conform to SFM 72.4, except as otherwise provided in these regulations.

(b) Control Equipment. In addition to the provisions of Section 756, household fire warning control units shall conform to the following:

- (1) Each electrical fire warning system control unit shall have a self-restoring test button or other means to permit the householder to check the system.
- (2) An AC operated control unit shall be provided with a visible "power on" indicator.
- (3) Control units having primary operating power supplied from a monitored battery shall be capable of producing an alarm signal for at least four minutes at the battery voltage at which a trouble signal is normally obtained followed by seven days of trouble signal operation.

(4) The loss or restoration of primary AC power shall not cause an alarm signal.

(5) For control units having a primary operating power supplied from a monitored battery employing a lock-in alarm feature, automatic transfer is required from alarm to a trouble condition. If a control unit does not have a lock-in feature, automatic transfer from alarm to trouble is not required.

(c) Single Station Alarm Devices. Units containing within a single enclosure, the detector, control equipment, the alarm and trouble sounding device(s) operated from an external or internal (except mechanical or gas operated) power supply shall conform to Section 756 and the following:

- (1) For a unit employing a lock-in alarm feature, automatic transfer is required from alarm to a trouble condition. If a unit does not have a lock-in feature, automatic transfer from alarm to trouble is not required.
- (2) A unit having primary operating power supplied from a monitored battery shall be capable of producing an alarm signal for at least four min-

utes at the battery voltage at which a trouble signal is normally obtained followed by seven days of trouble signal operation.

§ 757. Detector Circuits.

An open or ground in a detector circuit shall not cause an alarm signal, but shall cause an audible trouble signal if it prevents the normal operation of the alarm signal. This may be accomplished by the use of either a closed loop detector circuit or normally open contact detectors with end-of-line resistor or equivalent.

HISTORY

1. Amendment filed 3–15–74 as an emergency; effective upon filing. Certificate of Compliance included (Register 74, No. 11).

§ 758. Combination Systems.

When common wiring is employed for combination systems, the equipment for other than the fire warning signaling system shall be connected to the common wiring of the combination system so that short circuits, open circuits, grounds, or any fault in this equipment or interconnection between this equipment and the fire warning system wiring shall not interfere with either the supervision of the fire warning system or prevent alarm or supervisory signal operation.

Combination systems shall provide for the fire alarm signal to take precedence or be clearly recognizable over any other signal even when the non-fire alarm signal is initiated first. Distinctive alarm signals shall be obtained between fire alarm and other functions, such as burglar alarm. The use of a common sounding appliance for fire and burglar alarm is acceptable if distinctive signals are obtained. A steady, continuous, sound for one alarm function and a pulsing sound for the other alarm function is acceptable.

§ 759. Mounting.

Household fire warning equipment shall be designed to be mounted so as to be supported independently of its attachment to wires.

Article 4. Special Information

§ 760. Instruction and Literature.

(a) Instructions. Fire Alarm Systems and devices approved and listed pursuant to this subchapter shall be accompanied by the following:

- (1) Instructions for installation of heat and smoke detectors including typical layouts.
- (2) Instructions to mount and locate so that accidental operation will not be caused by jarring or vibration.
- (3) Instructions for the operation, testing and proper maintenance of the household fire warning system or devices. (See Note 2)

(4) Every approved and listed single station smoke or smoke and heat alarm device as defined in Section 745(k) intended to be marketed, distributed, offered for sale or sold in this state shall have prominently and permanently printed or adhered to the container or box containing such device an approved label of the State Fire Marshal conforming to the provisions of Section 1.58(c).

EXCEPTION: Such label need not contain the information specified under subsections (1), (2) and (3) of Section 1.58(c).

(5) Printing on the equipment or in literature accompanying the equipment, the following:

CAUTION

Early warning fire detection is best achieved by the installation of fire detection equipment in all rooms and areas of the household as follows:

A smoke detector installed in each separate sleeping area (the vicinity of but outside of the bedrooms), and Heat or smoke detectors in living rooms, dining rooms, bedrooms, kitchens, hallways, attics, furnace rooms, closets, utility and storage rooms, basements and attached garages.

NOTE:

1. It is recommended that the above instructions also include information for establishing a household emergency evacuation plan.

2. When equipment has been installed by an installation firm, the installer, in the presence of the householder, should completely test the equipment for proper operation and instruct the owner on the operation and maintenance of the equipment, including battery replacement.

(b) Literature. All descriptive literature required by Section 760(a), as well as any containing reference or inference to the State Fire Marshal shall be submitted to the State Fire Marshal for approval. All wording and other descriptive details shall be legible.

NOTE: Authority cited: Sections 13114 and 13144.4, Health and Safety Code. Reference: Sections 13114 and 13144.1–13144.4, Health and Safety Code.

HISTORY

1. Amendment of subsection (b) filed 3–15–74 as an emergency; effective upon filing. Certificate of Compliance included (Register 74, No. 11).
2. Amendment of subsection (a)(4) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment of subsection (a)(4) filed 3–2–79; effective thirtieth day thereafter (Register 79, No. 9).
4. Amendment filed 11–13–80; effective thirtieth day thereafter (Register 80, No. 46).

Subchapter 4.5. Dry Cleaning Establishments Employing a Non-Flammable Volatile, Commercially Moisture-Free Chlorinated Hydro-Carbon Solvent

NOTE: Authority cited for repealer: Stats 1972, Chap. 991.

HISTORY

1. Repealer of Subchapter 4.5 (Sections 850.1 through 853.11) filed 4–4–73 as procedural and organizational; effective upon filing (Register 73, No. 14). For prior history, see Register 69, No. 22.

Chapter 5. Automatic Fire Extinguishing Systems

Article 1. Administration

§ 901. Scope.

These regulations apply to all automatic fire extinguishing systems identified in Health and Safety Code Section 13195, and shall incorporate by reference NFPA 25, Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems (2002 edition), including Annexes A, C, D, and E, as amended by the Office of the State Fire Marshal. The following Sections are to be added to, deleted from, or replace existing Sections of NFPA 25:

Replace the NOTICE section as follows:

NOTICE: An asterisk (*) following the number or letter designating a paragraph indicates that explanatory material on the paragraph can be found in Annex A.

Changes other than editorial are indicated by a vertical rule beside the paragraph, table, or figure in which the change occurred. These rules are included as an aid to the user in identifying changes from the previous edition. Where one or more complete paragraphs have been deleted, the deletion is indicated by a bullet between the paragraphs that remain.

A reference in brackets [] following a section or paragraph indicates material that has been extracted from another NFPA document. As an aid to the user, Annex E lists the complete title and edition of the source documents for both mandatory and nonmandatory extracts. Editorial changes to extracted material consist of revising references to an appropriate division in this document or the inclusion of the document number with the division number when the reference is to the original document. Requests for interpretations

or revisions of extracted text shall be sent to the appropriate technical committee.

Information on referenced publications can be found in Chapter 2 and Annex E.

Replace Section 2.2 NFPA Publications as follows:

National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269–9101.

NFPA 11, Standard for Low-Expansion Foam, 1998 edition.

NFPA 13, Standard for the Installation of Sprinkler Systems, 2002 edition.

NFPA 13D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes, 2002 edition.

NFPA 15, Standard for Water Spray Fixed Systems for Fire Protection, 1996 edition.

NFPA 16, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems, 1999 edition.

NFPA 20, Standard for the Installation of Stationary Pumps for Fire Protection, 1999 edition.

NFPA 22, Standard for Water Tanks for Private Fire Protection, 1998 edition.

NFPA 72, National Fire Alarm Code, 2002 edition.

NFPA 110, Standard for Emergency and Standby Power Systems, 2002 edition.

NFPA 307, Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves, 2000 edition.

NFPA 409, Standard on Aircraft Hangars, 2001 edition.

NFPA 1962, Standard for the Care, Use, and Service Testing of Fire Hose Including Couplings and Nozzles, 1998 edition.

Delete Section 3.3.19

Replace Section 3.3.20 as follows:

3.3.20 Inspection, Testing, and Maintenance Service. A service program provided by:

(1) a qualified State of California Contractors State Licensing Board Licensed Fire Protection Contractor (C–16) as defined in subsection (b) of Section 7058 of the Business and Professions Code, or

(2) a qualified California State Fire Marshal Licensed A (Type 1, Type 2, or Type 3) Concern, or

(3) a qualified owner's representative as permitted under California Title 19 Chapter 5, Paragraph 904.1(a)

in which all components unique to the property's systems are inspected and tested at the required times and necessary maintenance is provided. This program includes logging and retention of relevant records.

Delete Section 3.3.22

Delete Section 3.3.36

Add Section 3.6.7 as follows:

3.6.7 Standpipe System. See Section 3.3.5 and Section 3.3.33.

Delete Section 4.1.4

Replace Section 4.1.4.1 as follows:

4.1.4.1 Corrections and repairs shall be performed by:

(1) a State of California Contractors State Licensing Board Fire Protection Contractor (C–16) or

(2) a qualified California State Fire Marshal Licensed A (Type 1, Type 2, or Type 3) Concern when the amount of work to be performed does not exceed those limits established by the Contractors State Licensing Laws of the State of California.

Replace Section 4.1.6 as follows:

4.1.6 Where changes in the occupancy, hazard, water supply, storage commodity, storage arrangement, building modification, or other condition that affects the installation criteria of the system are identified, the owner or occupant shall promptly take steps, such as contacting:

(1) a State of California Contractors State Licensing Board Fire Protection Contractor (C-16), or

(2) a qualified California State Fire Marshal Licensed A (Type 1, Type 2, or Type 3) Concern, or

(3) a California Board of Professional Engineers and Land Surveyors Licensed Engineer

to evaluate the adequacy of the installed system in order to protect the building or hazard in question.

Replace Section 4.2 as follows:

4.2 Impairments.

Where an impairment to a water-based fire protection system occurs, the procedures outlined in Chapter 14 of this standard shall be followed, including the attachment of a tag to the impaired system.

Delete Section 4.3.5

Replace Table 5.1 as follows:

Table 5.1 Summary of Sprinkler System Inspection, Testing, and Maintenance

Item	Activity	Frequency	Reference
Gauges (dry, preaction, and deluge systems)	Inspection	Quarterly	5.2.4.2, 5.2.4.3
Control valves	Inspection	Quarterly	Table 12.1
Alarm devices	Inspection	Quarterly	5.2.6
Gauges (wet pipe systems)	Inspection	Quarterly	5.2.4.1
Hydraulic nameplate	Inspection	Quarterly	5.2.7
Buildings	Inspection	Annually (prior to freezing weather)	5.2.5
Hanger/seismic bracing	Inspection	Annually	5.2.3
Hanger/seismic bracing in accessible concealed spaces	Inspection	5 Years	5.2.3.3
Pipe and fittings	Inspection	Annually	5.2.2
Pipe and fittings in accessible concealed spaces	Inspection	5 Years	5.2.2.3
Sprinklers	Inspection	Quarterly	5.2.1
Sprinklers in accessible concealed spaces	Inspection	5 Years	5.2.1.1.4
Spare sprinklers	Inspection	Quarterly	5.2.1.3
Fire department connections	Inspection	Quarterly	Table 12.1
Valves (all types)	Inspection		Table 12.1
Alarm devices	Test	Annually	5.3.3
Main drain	Test	Annually	Table 12.1
Antifreeze solution	Test	Annually	5.3.4
Gauges	Test	5 years	5.3.2
Sprinklers — extra-high temperature	Test	5 years	5.3.1.1.3
Sprinklers — fast response	Test	At 20 years and every 10 years thereafter	5.3.1.1.2
Sprinklers	Test	At 50 years and every 10 years thereafter	5.3.1.1.1
Valves (all types)	Maintenance	Annually or as needed	Table 12.1
Obstruction investigation	Maintenance	5 years or as needed	13.2.1, 13.2.2
Low point drains (dry pipe system)	Maintenance	Annually prior to freezing and as needed	12.4.4.3.3

Replace Section 5.2.1.1 as follows:

5.2.1.1* Sprinklers installed under an exposed ceiling shall be inspected quarterly from the floor level. Sprinklers installed in inaccessible concealed spaces shall not be required to be inspected.

Replace Section 5.2.1.1.4 as follows:

5.2.1.1.4* Sprinklers installed in concealed spaces such as above suspended ceilings or in concealed spaces where access is provided by access openings shall be inspected at a frequency not to exceed 5 years.

Replace Section 5.2.1.3 as follows:

5.2.1.3 The supply of spare sprinklers shall be inspected quarterly for the following:

- (1) The proper number and type of sprinklers
- (2) A sprinkler wrench for each type of sprinkler

Replace Section 5.2.2 as follows:

5.2.2* Pipe and Fittings. Sprinkler pipe installed under an exposed ceiling shall be inspected annually from the floor level. Sprinkler pipe installed in inaccessible concealed spaces shall not be required to be inspected.

Replace Section 5.2.2.3 as follows:

5.2.2.3* Pipe and fittings installed in concealed spaces such as above suspended ceilings or in concealed spaces where access is provided by access openings shall be inspected at a frequency not to exceed 5 years.

Replace Section 5.2.3 as follows:

5.2.3* Hangers and Seismic Braces. Sprinkler pipe hangers and seismic braces installed under an exposed ceiling shall be inspected annually from the floor level. Sprinkler pipe hangers and seismic braces installed in inaccessible concealed spaces shall not be required to be inspected.

Replace Section 5.2.3.3 as follows:

5.2.3.3* Hangers and seismic braces installed in concealed spaces such as above suspended ceilings or in concealed spaces where access is provided by access openings shall be inspected every 5 years.

Replace Section 5.2.4.1 as follows:

5.2.4.1* Gauges on wet pipe sprinkler systems shall be inspected quarterly to ensure that they are in good condition and that normal water supply pressure is being maintained.

Replace Section 5.2.4.2 as follows:

5.2.4.2 Gauges on dry, preaction, and deluge systems shall be inspected quarterly to ensure that normal air and water pressures are being maintained.

Replace Section 5.2.4.3 as follows:

5.2.4.3 Where air pressure supervision is connected to a constantly attended location, gauges shall be inspected quarterly.

Replace Section 5.3.3.1 as follows:

5.3.3.1 Water-flow devices including, but not limited to, mechanical water motor gongs and pressure switch type shall be tested annually.

Replace Section 5.3.3.2 as follows:

5.3.3.2* Vane-type waterflow devices shall be tested annually.

Add Section 5.3.3.6

5.3.3.6 The system's audible device shall activate within 90 seconds of valve opening.

Replace Table 6.1 as follows:

Table 6.1 Summary of Standpipe and Hose Systems Inspection, Testing, and Maintenance

Item	Activity	Frequency	Reference
Control valves	Inspection	Quarterly	Table 12.1
Pressure regulating devices	Inspection	Quarterly	Table 12.1
Piping	Inspection	Semi-Annually	6.2.1
Hose connections	Inspection	Semi-Annually	Table 12.1
Cabinet	Inspection	Semi-Annually	NFPA 1962
Hose	Inspection	Semi-Annually	NFPA 1962
Hose storage device	Inspection	Semi-Annually	NFPA 1962
Alarm device	Test	Annually	Table 12.1
Hose nozzle	Test	Annually	NFPA 1962
Hose storage device	Test	5 years	NFPA 1962
Hose	Test	5 years/3 years	NFPA 1962
Pressure control valve	Test	5 years	Table 12.1
Pressure reducing valve	Test	5 years	Table 12.1
Hydrostatic test	Test	5 years	6.3.2
Flow test	Test	5 years	6.3.1
Main drain test	Test	Annually	Table 12.1
Hose connections	Maintenance	Annually	Table 6.2.2
Valves (all types)	Maintenance	Annually/as needed	Table 12.1

Replace Section 6.2.1 as follows:

6.2.1 Components of standpipe and hose systems shall be visually inspected semi-annually or as specified in Table 6.1.

Replace Section 6.3.1.3 as follows:

6.3.1.3 All systems shall be flow tested and pressure tested at the requirements in effect at the time of the installation. Where such requirements cannot be determined, the Fire Authority Having Jurisdiction shall establish the test requirements.

Add Section 6.3.1.3.1 as follows:

6.3.1.3.1.1 Where the standpipe is supplied by a fire department connection and a fire pump, the standpipe shall be tested using the fire pump and the fire department connection independently. Where multiple fire department connections are installed, the stand-

pipe shall be tested by using each fire department connection independently.

Add Section 6.3.1.3.1.2 as follows:

6.3.1.3.1.2 Where the standpipe is supplied by pumps which are staged in series due to the height of the building and the fire department connection is not capable of supplying standpipes in the high zone, the fire department connection shall be used to supply the high zone pump.

Add Section 6.3.1.6 as follows:

6.3.1.6 Class I and Class III Standpipes not installed in accordance with NFPA 14 shall be tested in accordance with Table 6.3.1.6.

Add Table 6.3.1.6 as follows:

Table 6.3.1.6

Class	Type of Test	Required Flow at Outlet	Required Pressure at Outlet	Hydrostatic Test	Duration
I	Air			25 psi	
I	Hydrostatic	N/A	N/A	50 psi + Static Pressure but not less than 150 psi	3 Minutes
I	Flow	100 gpm	Maximum friction loss not to exceed 15 psi	N/A	3 Minutes
III	Flow	500 gpm	65 psi	N/A	3 Minutes

Add Section 6.3.1.7 as follows:

6.3.1.7 Class II Standpipes not installed in accordance with NFPA 14 shall be tested in accordance with Table 6.3.1.7.

Add Table 6.3.1.7 as follows:

Table 6.3.1.7

Date of Installation	Required Flow at Outlet	Required Pressure at Outlet
Prior to 1948	20 gpm	8 psi
1948 to 1959	35 gpm	12 psi
1960 to 1979	35 gpm	15 psi

Reference: 1979 Uniform Fire Code, Appendix G

Add Section 6.3.1.7.1 as follows:

6.3.1.7.1 Testing of Class II Standpipes installed prior to 1980 which are supplied by gravity tanks or pressure tanks shall include the operation of the automatic filling device.

Replace Section 8.3.4.3 as follows:

8.3.4.3 Tests of appropriate environmental pump room space conditions (e.g., heating, ventilation, illumination) shall be made as needed to ensure proper manual or automatic operation of the associated equipment.

Replace Table 9.1 as follows:

Table 9.1 Summary of Water Storage Tank Inspection, Testing, and Maintenance

Item	Activity	Frequency	Reference
Condition of water in tank	Inspection	Monthly/quarterly	9.2.1
Water temperature	Inspection	Daily/weekly*	9.2.4
Heating system	Inspection	Daily/weekly*	9.2.6.6
Control valves	Inspection	Quarterly	Table 12.1
Water — level	Inspection	Monthly/quarterly	9.2.1
Air pressure	Inspection	Monthly/quarterly	9.2.2
Tank — exterior	Inspection	Quarterly	9.2.5.1
Support structure	Inspection	Quarterly	9.2.5.1
Catwalks and ladders	Inspection	Quarterly	9.2.5.1
Surrounding area	Inspection	Quarterly	9.2.5.2

Item	Activity	Frequency	Reference
Hoops and grillage	Inspection	Annually	9.2.5.4
Painted/coated surfaces	Inspection	Annually	9.2.5.5
Expansion joints	Inspection	Annually	9.2.5.3
Interior	Inspection	5 years/3 years	9.2.6
Check valves	Inspection	5 years	Table 12.1
Temperature alarms	Test	Monthly*	9.2.4.2, 9.2.4.3
High temperature limit switches	Test	Monthly*	9.3.4
Water level alarms	Test	Semiannually	9.3.5
Level indicators	Test	5 years	9.3.1
Pressure gauges	Test	5 years	9.3.6
Automatic Filling Device	Test	5 Years	9.3.7
Water level	Maintenance	—	9.4.1
Drain silt	Maintenance	Semiannually	9.4.5
Control valves	Maintenance	Annually	Table 12.1
Embankment-supported coated fabric (ESCF)	Maintenance	—	9.4.6
Check valves	Maintenance	—	12.4.2.2

*Cold weather/heating season only.

Add Section 9.3.7 as follows:

9.3.7 Where gravity tanks and pressure tanks are provided with an automatic filling device, such device shall be tested every 5 years to ensure it operates properly.

Replace Table 10.1 as follows:

Table 10.1 Summary of Water Spray Fixed System Inspection, Testing, and Maintenance

Item	Activity	Frequency	Reference
Backflow preventer	Inspection		Chapter 12
Check valves	Inspection		Chapter 12
Control valves	Inspection	Quarterly (sealed)	Chapter 12
Control valves	Inspection	Quarterly (locked, supervised)	Chapter 12
Deluge valve	Inspection		10.2.2, Chapter 12
Detection systems	Inspection		NFPA 72
Detector check valves	Inspection		Chapter 12
Drainage	Inspection	Quarterly	10.2.8
Electric motor	Inspection		10.2.9, Chapter 8
Engine drive	Inspection		10.2.9, Chapter 8
Fire pump	Inspection		10.2.9, Chapter 8
Fittings	Inspection	Quarterly	10.2.4, 10.2.4.1
Fittings (rubber-gasketed)	Inspection	Quarterly	10.2.4.1, A.10.2.4.1

Item	Activity	Frequency	Reference
Gravity tanks	Inspection		10.2.10, Chapter 9
Hangers	Inspection	Quarterly	10.2.4.2
Heat (deluge valve house)	Inspection	Daily/weekly	10.2.1.5, Chapter 12
Nozzles	Inspection	Monthly	10.2.1.1, 10.2.1.2, 10.2.1.6, 10.2.5.1, 10.2.5.2
Pipe	Inspection	Quarterly	10.2.1.1, 10.2.1.2, 10.2.4, 10.2.4.1
Pressure tank	Inspection		10.2.10, Chapter 9
Steam driver	Inspection		10.2.9, Chapter 8
Strainers	Inspection	Mfg. instruction	10.2.7
Suction tanks	Inspection		10.2.10, Chapter 9
Supports	Inspection	Quarterly	10.2.1.1, 10.2.1.2, 10.2.4.2
Water supply piping	Inspection		10.2.6.1, 10.2.6.2
UHSWSS — detectors	Inspection	Monthly	10.4.2
UHSWSS — controllers	Inspection	Each shift	10.4.3
UHSWSS — valves	Inspection	Each shift	10.4.4
Backflow preventer	Operational test		Chapter 12
Check valves	Operational test		Chapter 12
Control valves	Operational test	Quarterly	Chapter 12
Deluge valve	Operational test		10.2.2, Chapter 12
Detection systems	Operational test		NFPA 72
Detector check valve	Operational test		Chapter 12
Electric motor	Operational test		10.2.9, Chapter 8
Engine drive	Operational test		10.2.9, Chapter 8
Fire pump	Operational test		10.2.9, Chapter 8
Flushing	Operational test	Annually	10.2.1.3, Section 10.3 (flushing of connection to riser, part of annual test)
Gravity tanks	Operational test		10.2.10, Chapter 9
Main drain test	Operational test	Annually	Chapter 12
Manual release	Operational test	Annually	10.2.1.3, 10.3.6
Nozzles	Operational test	Annually	10.2.1.3, 10.2.1.6, Section 10.3
Pressure tank	Operational test		Section 10.2, Chapter 9
Steam driver	Operational test		10.2.9, Chapter 8
Strainers	Operational test	Annually	10.2.1.3, 10.2.1.7, 10.2.7
Suction tanks	Operational test		10.2.10, Chapter 9
Water-flow alarm	Operational test	Annually	Chapter 5

Item	Activity	Frequency	Reference
Water spray system test	Operational test	Annually	Section 10.3, Chapter 12
Water supply flow test	Operational test		7.3.2
UHSWSS	Operational test	Annually	Section 10.4
Backflow preventer	Maintenance		Chapter 12
Check valves	Maintenance		Chapter 12
Control valves	Maintenance	Annually	10.2.1.4, Chapter 12
Deluge valve	Maintenance		10.2.2, Chapter 12
Detection systems	Maintenance		NFPA 72
Detector check valve	Maintenance		Chapter 12
Electric motor	Maintenance		10.2.9, Chapter 8
Engine drive	Maintenance		10.2.9, Chapter 8
Fire pump	Maintenance		10.2.9, Chapter 8
Gravity tanks	Maintenance		10.2.10, Chapter 9
Pressure tank	Maintenance		10.2.6, Chapter 9
Steam driver	Maintenance		10.2.9, Chapter 8
Strainers	Maintenance	Annually	10.2.1.4, 10.2.1.7, 10.2.7
Strainers (baskets/screen)	Maintenance	5 years	10.2.1.4, 10.2.1.8, A.10.2.7
Suction tanks	Maintenance		10.2.10, Chapter 9
Water spray system	Maintenance	Annually	10.2.1.4, Chapter 12

Replace Table 11.1 as follows:

**Table 11.1 Summary of Foam-Water Sprinkler System
Inspection, Testing, and Maintenance**

System/Component	Activity	Frequency	Reference
Discharge device location (sprinkler)	Inspection	Annually	11.2.5
Discharge device location (spray nozzle)	Inspection	Monthly	11.2.5
Discharge device position (sprinkler)	Inspection	Annually	11.2.5
Discharge device position (spray nozzle)	Inspection	Monthly	11.2.5
Foam concentrate strainer(s)	Inspection	Quarterly	11.2.7.2
Drainage in system area	Inspection	Quarterly	11.2.8
Proportioning system(s) — all	Inspection	Quarterly	11.2.9
Pipe corrosion	Inspection	Quarterly	11.2.3
Pipe damage	Inspection	Quarterly	11.2.3
Fittings corrosion	Inspection	Quarterly	11.2.3
Fittings damage	Inspection	Quarterly	11.2.3
Hangers/supports	Inspection	Quarterly	11.2.4
Water supply tank(s)	Inspection		Chapter 9

System/Component	Activity	Frequency	Reference
Fire pump(s)	Inspection		Chapter 8
Water supply piping	Inspection		11.2.6.1
Control valve(s)	Inspection	Quarterly	Table 12.1
Deluge/preaction valve(s)	Inspection		11.2.1, Chapter 12
Detection system	Inspection	See NFPA 72	11.2.2
Discharge device location	Test	Annually	11.3.3.6
Discharge device position	Test	Annually	11.3.3.6
Discharge device obstruction	Test	Annually	11.3.3.6
Foam concentrate strainer(s)	Test	Annually	11.2.7.2
Proportioning system(s) — all	Test	Annually	11.2.9
Complete foam–water system(s)	Test	Annually	11.3.3
Foam–water solution	Test	Annually	11.3.6
Manual actuation device(s)	Test	Annually	11.3.5
Backflow preventer(s)	Test	Annually	Chapter 12
Fire pump(s)	Test	See Chapter 8	—
Water supply piping	Test	Annually	Chapter 10
Control valve(s)	Test	See Chapter 12	—
Deluge/preaction valve(s)	Test	See Chapter 12	11.2.1
Detection system	Test	See NFPA 72	11.2.2
Backflow preventer(s)	Test	See Chapter 12	—
Water supply tank(s)	Test	See Chapter 9	—
Water supply flow test	Test	See Chapter 4	11.2.6
Foam concentrate pump operation	Maintenance	Monthly	11.4.6(A), 11.4.7(A)
Foam concentrate strainer(s)	Maintenance	Quarterly	Section 11.4
Foam concentrate samples	Maintenance	Annually	11.2.10
Proportioning system(s) standard pressure type			
Ball drip (automatic type) drain valves	Maintenance	5 years	11.4.3(A)
Foam concentrate tank — drain and flush	Maintenance	10 years	11.4.3(B)
Corrosion and hydrostatic test	Maintenance	10 years	11.4.3(C)
Bladder tank type			
Sight glass	Maintenance	10 years	11.4.4(A)
Foam concentrate tank — hydrostatic test	Maintenance	10 years	11.4.4(B)
Line type			
Foam concentrate tank — corrosion and pickup pipes	Maintenance	10 years	11.4.5(A)
Foam concentrate tank — drain and flush	Maintenance	10 years	11.4.5(B)

System/Component	Activity	Frequency	Reference
Standard balanced pressure type			
Foam concentrate pump(s)	Maintenance	5 years (<i>see Note</i>)	11.4.6(B)
Balancing valve diaphragm	Maintenance	5 years	11.4.6(C)
Foam concentrate tank	Maintenance	10 years	11.4.6(D)
In-line balanced pressure type			
Foam concentrate pump(s)	Maintenance	5 years (<i>see Note</i>)	11.4.7(B)
Balancing valve diaphragm	Maintenance	5 years	11.4.7(C)
Foam concentrate tank	Maintenance	10 years	11.4.7(D)
Pressure vacuum vents	Maintenance	5 years	11.4.8
Water supply tank(s)	Maintenance	See Chapter 9	—
Fire pump(s)	Maintenance	See Chapter 8	—
Water supply	Maintenance	Annually	11.2.6.1
Backflow preventer(s)	Maintenance	See Chapter 12	—
Detector check valve(s)	Maintenance	See Chapter 12	—
Check valve(s)	Maintenance	See Chapter 12	—
Control valve(s)	Maintenance	See Chapter 12	—
Deluge/preaction valves	Maintenance	See Chapter 12	11.2.1
Strainer(s) — mainline	Maintenance	5 years (See Chapter 10)	11.2.7.1 10.2.1.8
Detection system	Maintenance	See NFPA 72	11.2.2

Note: Also, refer to manufacturer's instructions and frequency. Maintenance intervals other than preventive maintenance are not provided, as they depend on the results of the visual inspections and operational tests. For foam-water systems in aircraft hangars, refer to the inspection, test, and maintenance requirements of NFPA 409, *Standard on Aircraft Hangars*, Table 6.1.1.

Replace **Table 12.1** as follows:

Table 12.1 Summary of Valves, Valve Components, and Trim Inspection, Testing, and Maintenance

Item	Activity	Frequency	Reference
Control Valves			
Sealed	Inspection	Quarterly	12.3.2.1
Locked	Inspection	Quarterly	12.3.2.1.1
Tamper switches	Inspection	Quarterly	12.3.2.1.1
Alarm Valves			
Exterior	Inspection	Quarterly	12.4.1.1
Interior	Inspection	5 years	12.4.1.2
Strainers, filters, orifices	Inspection	5 years	12.4.1.2
Check Valves			
Interior	Inspection	5 years	12.4.2.1
Preaction/Deluge Valves			

Item	Activity	Frequency	Reference
Enclosure (during cold weather)	Inspection	Daily/weekly	12.4.3.1
Exterior	Inspection	Quarterly	12.4.3.1.6
Interior	Inspection	Annually/5 years	12.4.3.1.7
Strainers, filters, orifices	Inspection	5 years	12.4.3.1.8
Dry Pipe Valves/ Quick-Opening Devices			
Enclosure (during cold weather)	Inspection	Daily/weekly	12.4.4.1.1
Exterior	Inspection	Quarterly	12.4.4.1.4
Interior	Inspection	Annually	12.4.4.1.5
Strainers, filters, orifices	Inspection	5 years	12.4.4.1.6
Pressure Reducing and Relief Valves			
Sprinkler systems	Inspection	Quarterly	12.5.1.1
Hose connections	Inspection	Semi-Annually	12.5.2.1
Hose racks	Inspection	Quarterly	12.5.3.1
Fire pumps			
Casing relief valves	Inspection	Weekly	12.5.6.1, 12.5.6.1.1
Pressure relief valves	Inspection	Weekly	12.5.6.2, 12.5.6.2.1
Backflow Prevention Assemblies			
Reduced pressure	Inspection	Quarterly	12.6.1
Reduced pressure detectors	Inspection	Quarterly	12.6.1
Fire Department Connections	Inspection	Quarterly	12.7.1
Main Drains	Test	Annually	12.2.6, 12.2.6.1, 12.3.3.4
Water-Flow Alarms	Test	Annually	12.2.7
Control Valves			
Position	Test	Annually	12.3.3.1
Operation	Test	Annually	12.3.3.1
Supervisory	Test	Annually	12.3.3.5
Preaction/Deluge Valves			
Priming water	Test	Annually	12.4.3.2.1
Low air pressure alarms	Test	Annually	12.4.3.2.10
Full flow	Test	Annually	12.4.3.2.2
Dry Pipe Valves/ Quick-Opening Devices			
Priming water	Test	Annually	12.4.4.2.1
Low air pressure alarm	Test	Annually	12.4.4.2.6
Quick-opening devices	Tes	tAnnually	12.4.4.2.4
Trip test	Test	Annually	12.4.4.2.2
Full flow trip test	Test	3 years	12.4.4.2.2.2

Item	Activity	Frequency	Reference
Pressure Reducing and Relief Valves			
Sprinkler systems	Test	5 years	12.5.1.2
Circulation relief	Test	Annually	12.5.6.1.2
Pressure relief valves	Test	Annually	12.5.6.2.2
Hose connections	Test	5 years	12.5.2.2
Hose racks	Test	5 years	12.5.3.2
Backflow Prevention Assemblies	Test	Annually	12.6.2
Fire Department Connection	Test	5 years	12.7.4
Control Valves	Maintenance	Annually	12.3.4
Precision/Deluge Valves	Maintenance	Annually	12.4.3.3.2
Dry Pipe Valves/ Quick-Opening Devices	Maintenance	Annually	12.4.4.3.2

Replace Section 12.2.6.1 as follows:

12.2.6.1 Systems where the sole water supply is through a backflow preventer and/or pressure reducing valves, the main drain test of at least one system downstream of the device shall be conducted annually.

Replace Section 12.2.7 as follows:

12.2.7 Water-Flow Alarm. All water-flow alarms shall be tested annually in accordance with the manufacturer's instructions. The system's audible device shall activate within 90 seconds of valve opening.

Replace Section 12.3.2.1 as follows:

12.3.2.1 All valves shall be inspected quarterly.

Replace Section 12.3.2.1.1 as follows:

12.3.2.1.1 Valves secured with locks or supervised in accordance with applicable NFPA standards shall be permitted to be inspected quarterly.

Replace Section 12.3.3.5.1 as follows:

12.3.3.5.1 Valve supervisory switches shall be tested annually.

Replace Section 12.4.1.1 as follows:

12.4.1.1* Alarm valves shall be externally inspected quarterly and shall verify the following:

- (1) The gauges indicate normal supply water pressure is being maintained.
- (2) The valve is free of physical damage.
- (3) All valves are in the appropriate open or closed position.
- (4) The retarding chamber or alarm drains are not leaking.

Replace Section 12.4.3.1.3 as follows:

12.4.3.1.3 Gauges shall be inspected quarterly.

Replace Section 12.4.3.1.4 as follows:

12.4.3.1.4 The gauge monitoring the preaction system supervisory air pressure, if provided, shall be inspected quarterly to verify that it indicates that normal pressure is being maintained.

Replace Section 12.4.3.1.5 as follows:

12.4.3.1.5 The gauge monitoring the detection system pressure, if provided, shall be tested annually to verify that it indicates that normal pressure is being maintained.

Replace Section 12.4.3.1.6 as follows:

12.4.3.1.6 The preaction or deluge valve shall be externally inspected quarterly to verify the following:

- (1) The valve is free from physical damage.
- (2) All trim valves are in the appropriate open or closed position.
- (3) The valve seat is not leaking.
- (4) Electrical components are in service.

Replace Section 12.4.3.2.1 as follows:

12.4.3.2.1* The priming water level in supervised preaction systems shall be tested annually for compliance with the manufacturer's instructions.

Add Section 12.4.3.2.2.4 as follows:

12.4.3.2.2.4 Deluge and preaction valves shall be tested by activating at least one detector in each zone that controls the preaction valve and by activating the manual release for the valve being tested. Where the detection system consists of a pneumatic pilot line, the inspector's test valve on the pilot line shall be used to trip the valve.

Add Section 12.4.3.2.2.4.1 as follows:

12.4.3.2.2.4.1 Non-interlocked preaction systems shall also be tested by releasing supervisory air from the inspector's test valve which shall result in the preaction valve activating.

Add Section 12.4.3.2.2.4.2 as follows:

12.4.3.2.2.4.2 Double interlocked preaction systems shall be tested by first activating at least one detector in each zone that controls the preaction valve and then releasing supervisory air from the inspector's test valve. A second test shall be conducted by first releasing supervisory air from the inspector's test valve and then activating at least one detector in each zone that controls the preaction valve.

Add Section 12.4.3.2.2.4.3 as follows:

12.4.3.2.2.4.3 Where supervisory air is used, the low air alarm and the pressure at which air is supplied to the system shall be tested to ensure the proper settings are used for each.

Replace Section 12.4.3.2.10 as follows:

12.4.3.2.10 Low air pressure alarms, if provided, shall be tested annually in accordance with the manufacturer's instructions.

Replace Section 12.4.4.1.4 as follows:

12.4.4.1.4 The dry pipe valve shall be externally inspected quarterly to verify the following:

- (1) The valve is free of physical damage.

(2) All trim valves are in the appropriate open or closed position.

(3) The intermediate chamber is not leaking.

Replace Section 12.4.4.2.1 as follows:

12.4.4.2.1* The priming water level shall be tested annually.

Replace Section 12.4.4.2.4 as follows:

12.4.4.2.4* Quick-opening devices, if provided, shall be tested annually.

Replace Section 12.4.4.2.6 as follows:

12.4.4.2.6 Low air pressure alarms, if provided, shall be tested annually in accordance with the manufacturer's instructions.

Replace Section 12.5.2.1

12.5.2.1 All valves shall be inspected semi-annually to verify the following:

(1) The handwheel is not broken or missing.

(2) The outlet hose threads are not damaged.

(3) No leaks are present.

(4) The reducer and the cap are not missing.

Replace Section 12.6.1.1 as follows:

12.6.1.1 The double check assembly (DCA) valves and double check detector assembly (DCDA) valve shall be inspected quarterly to ensure that the OS&Y isolation valves are in the normal open position.

Replace Section 12.6.1.1.1 as follows:

12.6.1.1.1 Valves secured with locks or electrically supervised in accordance with applicable NFPA standards shall be inspected quarterly.

Replace Section 12.6.1.2 as follows:

12.6.1.2* Reduced pressure assemblies (RPA) and reduced pressure detector assemblies (RPDA) shall be inspected quarterly to ensure that the differential-sensing valve relief port is not continuously discharging and the OS&Y isolation valves are in the normal open position.

Replace Section 12.6.1.2.1 as follows:

12.6.1.2.1 Valves secured with locks or electrically supervised in accordance with applicable NFPA standards shall be inspected quarterly.

Add Section 12.7.4 as follows:

12.7.4* All fire department connections shall be backflushed at full flow at a frequency not to exceed every 5 years.

Delete Section A.4.1.4

Replace Section A.5.2.1.1.4 as follows:

A.5.2.1.1.4 Suspended ceilings are those ceilings utilizing ceiling tiles installed on a grid where the ceiling tiles can be removed. This includes ceiling tiles held in place with hold-down clips as in fire rated ceiling construction. This does not include a suspended gypsum wallboard ceiling unless such ceiling is provided with an access opening.

Certain concealed spaces are required by the California Building Code to be provided with access openings. Such concealed spaces include attics, mansard spaces, under-floor spaces, under stages, under platforms or decks, and similar accessible spaces.

Accessible concealed spaces are provided with access openings for maintenance of mechanical and electrical services. Although the general public or building occupants do not normally access these spaces, maintenance personnel and contractors do access these spaces. While servicing mechanical or electrical equipment these people may damage or create an obstruction to sprinklers. In addition, during the normal life of a building, roof insulating materials

may fall and cover a sprinkler, thereby obstructing the sprinkler in terms of insulating the thermal response element of the sprinkler and in terms of obstructing the spray pattern.

Replace Section A.5.2.2.3 as follows:

A.5.2.2.3 Suspended ceilings are those ceilings utilizing ceiling tiles installed on a grid where the ceiling tiles can be removed. This includes ceiling tiles held in place with hold-down clips as used in fire rated ceiling construction.

Certain concealed spaces are required by the California Building Code to be provided with access openings. Such concealed spaces include attics, mansard spaces, under-floor spaces, under stages, under platforms or decks, and similar accessible spaces.

Accessible concealed spaces are provided with access openings for maintenance of mechanical and electrical services. Although the general public or building occupants do not normally access these spaces, maintenance personnel and contractors do access these spaces. While servicing mechanical or electrical equipment these people may damage pipe or fittings.

Replace Section A.5.2.3.3 as follows:

A.5.2.3.3 Suspended ceilings are those ceilings utilizing ceiling tiles installed on a grid where the ceiling tiles can be removed. This includes ceiling tiles held in place with hold-down clips as in fire rated ceiling construction.

Certain concealed spaces are required by the California Building Code to be provided with access openings. Such concealed spaces include attics, mansard spaces, under-floor spaces, under stages, under platforms or decks, and similar accessible spaces.

Accessible concealed spaces are provided with access openings for maintenance of mechanical and electrical services. Although the general public or building occupants do not normally access these spaces, maintenance personnel and contractors do access these spaces. While servicing mechanical or electrical equipment these people may damage hangers or seismic bracing.

Add Section A.12.7.4

A.12.7.4 The fire department connection shall be tested by backflushing through the inlets. The fire department connection check valve shall either (1) be removed and replaced with a spool piece, or (2) be replaced in the reversed position, or (3) the clapper shall be removed. The check valve clapper shall be inspected for proper operation. If the clapper does not move freely, it shall be repaired or replaced.

The fire department connection shall be backflushed at full flow. Where there is potential for damage to the building and grounds, hoses may be used to divert the water flow.

A hose having the same diameter as the fire department inlet shall be attached to each inlet. The maximum length of the hose shall be 50 feet. Where a greater length is needed, the diameter of the hose shall be increased one nominal diameter unless it can be determined that the flow rate is at least equal to the system demand.

At the completion of the backflush test, the check valve or clapper shall be reinstalled in the proper orientation. All control valves shall be returned to their normal position. The fire department connection shall be inspected to ensure the check valve is liquid tight.

These regulations shall not apply to any of the following:

(a) Portable fire extinguishers regulated under Section 13160, Health and Safety Code.

(b) Automatic fire extinguishing systems on vehicles except when the vehicle is used as an occupancy regulated by the State Fire Marshal.

(c) Automatic fire extinguishing systems installed in dwellings and lodging houses as defined in the 1979 Edition of the Uniform Building Code. Copies available from I.C.B.O. 5360 South Workman Mill Road, Whittier, CA 90601.

NOTE: Authority cited: Sections 13195 and 13196.5, Health and Safety Code. Reference: Section 13195, Health and Safety Code.

HISTORY

1. New Article 1 (Section 901) filed 7-15-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 29).
2. Amendment filed 11-14-2006; operative 4-1-2007 (Register 2006, No. 46).

Article 2. Definitions

§ 902. "A" Definitions.

(a) Automatic Fire Sprinkler System. Automatic fire extinguishing systems shall include but not be limited to:

- (1) Water-based fire protection systems as defined in NFPA 25
- (2) Engineered fixed extinguishing systems
- (3) Pre-engineered fixed extinguishing systems

NOTE: Authority cited: Section 13195, Health and Safety Code. Reference: Sections 13195-13199.5, Health and Safety Code.

HISTORY

1. New Subchapter 5 (Articles 2 and 5, Sections 902.1-905.3, not consecutive) filed 1-17-83 as an emergency; effective upon filing (Register 83, No. 4). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-17-83. For prior history, see Registers 79, No. 9, and 74, No. 27.
2. Certificate of Compliance including renumbering and amendment of Section 902.1 to Section 902 transmitted to OAL 5-16-83 and filed 6-15-83 (Register 83, No. 26).
3. Amendment filed 11-14-2006; operative 4-1-2007 (Register 2006, No. 46).

§ 902.4. "E" Definitions.

(a) Employee. Those persons who work for a licensee which may include but are not limited to assigned agents and others who work on a contractual basis with a licensee using tags and labels of the licensee.

(b) Engineered Fixed Extinguishing System. A system which is custom designed for a particular hazard, using components which are approved or listed only for their broad performance characteristics. Components may be arranged into a variety of configurations. These systems shall include but not be limited to:

- (1) Dry Chemical Systems
- (2) Carbon Dioxide Systems
- (3) Halogenated Agent Systems
- (4) Steam Systems
- (5) High Expansion Foam Systems
- (6) Foam Extinguishing Systems
- (7) Liquid Agent Systems
- (8) Clean Agent Systems

NOTE: Authority cited: Section 13195, Health and Safety Code. Reference: Sections 13195-13199.5, Health and Safety Code.

HISTORY

1. Certificate of Compliance including renumbering and amendment of Section 902.5 to Section 902.4 transmitted to OAL 5-16-83 and filed 6-15-83 (Register 83, No. 26).
2. Amendment of subsection (a) and new subsection (b)(8) filed 11-14-2006; operative 4-1-2007 (Register 2006, No. 46).

§ 902.9. "I" Definitions.

(a) Inspection. A visual examination of a system or portion thereof to verify that it appears to be in operating condition and is free of physical damage.

NOTE: Authority cited: Sections 13195 and 13196.5, Health and Safety Code. Reference: Sections 13195-13199.5, Health and Safety Code.

HISTORY

1. New section filed 11-14-2006; operative 4-1-2007 (Register 2006, No. 46). For prior history, see Register 83, No. 26.

§ 902.11. "L" Definitions.

(a) License. A certificate, registration or other means to engage in a business or profession issued by the California State Fire Marshal or the State of California Contractors State License Board authorizing a licensee to engage in the business of inspecting, testing, maintaining and/or servicing one or more types of automatic fire extinguishing systems.

(b) Licensee. An individual, a partnership, a corporation, or a joint venture to which a license has been issued by the California State Fire Marshal or the State of California Contractors State License Board.

NOTE: Authority cited: Section 13195, Health and Safety Code. Reference: Sections 13195-13199.5, Health and Safety Code.

HISTORY

1. Certificate of Compliance including renumbering of Section 902.12 to Section 902.11 transmitted to OAL 5-16-83 and filed 6-15-83 (Register 83, No. 26).
2. Amendment filed 11-14-2006; operative 4-1-2007 (Register 2006, No. 46).

§ 902.12. "M" Definitions.

(a) Maintenance. Work performed to keep equipment operable or to make repairs.

NOTE: Authority cited: Section 13195, Health and Safety Code. Reference: Sections 13195-13199.5, Health and Safety Code.

HISTORY

1. Certificate of Compliance including renumbering and amendment of Section 902.13 to Section 902.12 transmitted to OAL 5-16-83 and filed 6-15-83 (Register 83, No. 26).
2. Amendment filed 11-14-2006; operative 4-1-2007 (Register 2006, No. 46).

§ 902.15. "P" Definitions.

(a) Pre-Engineered Fixed Extinguishing System. A system where the number of components and their configurations are included in the description of the systems approval and listing. These systems shall include but not be limited to:

- (1) Dry Chemical Systems
- (2) Carbon Dioxide Systems
- (3) Halogenated Agent Systems
- (4) Liquid Agent Systems
- (5) Clean Agent Systems

NOTE: Authority cited: Section 13195, Health and Safety Code. Reference: Sections 13195-13199.5, Health and Safety Code.

HISTORY

1. Certificate of Compliance including renumbering and amendment of Section 902.16 to Section 902.15 transmitted to OAL 5-16-83 and filed 6-15-83 (Register 83, No. 26).
2. New subsection (a)(5) filed 11-14-2006; operative 4-1-2007 (Register 2006, No. 46).

§ 902.18. "S" Definitions.

(a) Service. The performance of testing and maintenance on an automatic fire extinguishing system.

NOTE: Authority cited: Section 13195, Health and Safety Code. Reference: Sections 13195-13199.5, Health and Safety Code.

HISTORY

1. Certificate of Compliance including renumbering and amendment of Section 902.19 to Section 902.18 transmitted to OAL 5-16-83 and filed 6-15-83 (Register 83, No. 26).
2. Amendment filed 11-14-2006; operative 4-1-2007 (Register 2006, No. 46).

§ 902.19. "T" Definitions.

(a) Testing. A procedure used to determine the status of a system as intended by conducting periodic physical checks.

NOTE: Authority cited: Section 13195, Health and Safety Code. Reference: Sections 13195-13199, Health and Safety Code.

HISTORY

1. New section filed 11-14-2006; operative 4-1-2007 (Register 2006, No. 46).

§ 902.21. "V" Definitions.

(a) Valid License. A license which has not been suspended or revoked and for which all appropriate fees have been paid.

(b) Vehicle. As defined in Vehicle Code Section 670 and includes vessels as defined in Harbors and Navigation Code Section 651, and aircraft as defined in Public Utilities Code Section 21012.

NOTE: Authority cited: Section 13195, Health and Safety Code. Reference: Sections 13195-13199.5, Health and Safety Code.

HISTORY

1. Certificate of Compliance including renumbering and amendment of Section 902.22 to Section 902.21 transmitted to OAL 5-16-83 and filed 6-15-83 (Register 83, No. 26).
2. Editorial correction of subsection (a) filed 6-28-83 (Register 83, No. 26).

Article 3. General Provisions

§ 903. Reports of Violations.

Any government entity taking action against a licensee pursuant to Health and Safety Code Sections 13145 and 13146 shall report such action in writing to the State Fire Marshal within 15 days of the action.

NOTE: Authority cited: Sections 13195 and 13197, Health and Safety Code. Reference: Sections 13195, 13196 and 13197.5, Health and Safety Code.

HISTORY

1. New Article 3 (Sections 903–903.2) filed 7–15–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 29).

§ 903.1. Deceptive Practices.

(a) Any licensee, or employee thereof, who engages in unfair methods of competition or makes false or misleading statements as prohibited in Sections 17200 and 17500 of the Business and Professions Code shall be subject to license denial, revocation or suspension.

NOTE: Authority cited: Sections 13195 and 13197, Health and Safety Code. Reference: Sections 13195 and 13197.5, Health and Safety Code.

§ 903.2. Employer Responsibility.

Every licensee is responsible for the acts of its assigned agents or employees relating to servicing of automatic fire extinguishing systems for purposes of license denial, revocation or suspension.

NOTE: Authority cited: Sections 13195 and 13197, Health and Safety Code. Reference: Sections 13195 and 13197.5, Health and Safety Code.

Article 4. Inspection, Testing and Maintenance Frequencies

§ 904. Required Inspection, Testing, and Maintenance Frequencies.

(a) All automatic fire extinguishing systems, including systems installed as an alternate to other building requirements, shall be inspected, tested, and maintained in accordance with the following frequencies. Local authorities may require more frequent inspection, testing and maintenance and additional procedures.

(1) Water-based fire protection systems shall be inspected, tested and maintained in accordance with the frequencies required by NFPA 25 (2002 edition) including and Annexes A, C, D, and E as amended by the State of California.

(2) Engineered and pre-engineered fixed extinguishing systems shall be inspected, tested and maintained at least semi-annually, and immediately after a system activation.

(b) When proof of the installation date of standpipe systems or automatic fire sprinkler systems cannot be furnished, such systems shall receive initial testing and maintenance by July 1, 1985.

(c) Engineered and pre-engineered fixed extinguishing systems, regardless of installation date, shall be inspected, tested and maintained within the time periods specified in Section (a)(2) above.

NOTE: Authority cited: Section 13195, Health and Safety Code. Reference: Sections 13195 and 13195.5, Health and Safety Code.

HISTORY

1. New Article 4 (Sections 904–904.7) filed 7–15–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 29).
2. Amendment filed 7–3–84; effective thirtieth day thereafter (Register 84, No. 27).
3. Amendment of article heading, section heading and section filed 11–14–2006; operative 4–1–2007 (Register 2006, No. 46).

§ 904.1. Inspection Requirements.

(a) A license shall not be required to perform inspections. Inspections may be conducted by any person designated by the building owner or occupant who has developed competence through training and experience.

(b) Records of all inspections shall be retained on the premises by the building or system owner for a period of five years after the next required inspection.

(c) The owner or occupant shall promptly correct or repair deficiencies, damaged parts, or impairments found while performing the inspection, test, and maintenance requirements of this standard. Recalled products shall be replaced or remedied. Such replacement or remedial product shall be installed in accordance with the listing requirements, the manufacturer's instructions and the appropriate NFPA installation standards. A recalled product is a product subject to a statute or administrative regulation specifically requiring the manufacturer, importer, distributor, wholesaler, or retailer of a product, or any combination of such entities, to recall the product, or a product voluntarily recalled by a combination of such entities.

NOTE: Authority cited: Section 13195, Health and Safety Code. Reference: Sections 13195 and 13195.5, Health and Safety Code.

HISTORY

1. Amendment of section heading and section filed 11–14–2006; operative 4–1–2007 (Register 2006, No. 46).

§ 904.2. Testing and Maintenance Requirements.

(a) All testing and maintenance on automatic fire extinguishing systems in accordance with Health and Safety Code Section 13195 shall be performed by those licensed in accordance with Health and Safety Code Section 13196.5.

EXCEPTIONS:

- (1) The State Fire Marshal may waive in writing licensing of fire departments which conduct fire sprinkler and standpipe system testing and maintenance.
- (2) Service on fire alarm systems and industrial systems as specified in 13196.5(b) and (c) Health and Safety Code may be conducted without a license.
- (3) Testing and maintenance on automatic fire extinguishing systems exempted in writing by the State Fire Marshal, when the building owner or occupant has the staff and equipment to conduct testing and maintenance.

(b) Any testing and maintenance of automatic fire extinguishing systems shall be performed in accordance with these regulations.

EXCEPTIONS:

- (1) The State Fire Marshal may waive in writing the requirement that testing and maintenance be performed in accordance with these regulations when a licensee can demonstrate that a system cannot functionally be tested and maintained in accordance with the requirements in these regulations.
- (2) If at any time a licensee encounters a specialized or modified system which cannot be tested and maintained according to these regulations, the licensee shall contact the State Fire Marshal and test and maintain the system as directed.

(A) The intent of this section is to cover automatic fire extinguishing systems as originally designed, installed and approved by the Authority Having Jurisdiction. It is not, however, intended to require that such systems be upgraded to current adopted standards.

(c) Records of all testing and maintenance shall be retained on the premises by the building or system owner for a period of five years after the next required test or maintenance.

(d) The building or system owner shall insure immediate correction of any deficiencies noted during the service. A tag or label shall be affixed to a system only after all deficiencies have been corrected. The owner or occupant shall promptly correct or repair deficiencies, damaged parts, or impairments found while performing the inspection, test, and maintenance requirements of this standard. Recalled products shall be replaced or remedied. Such replacement or remedial product shall be installed in accordance with the listing requirements, the manufacturer's instructions and the appropriate NFPA installation standards. A recalled product is a product subject to a statute or administrative regulation specifically requiring the manufacturer, importer, distributor, wholesaler, or retailer of a product, or any combination of such entities, to recall the product, or a product voluntarily recalled by a combination of such entities.

(e) At the time of testing and maintenance, or at any time parts are replaced, an itemized invoice showing work performed and parts replaced shall be provided by the licensee to the system owner. If testing and maintenance is performed more than thirty (30) days prior to the next required testing and maintenance date, the invoice shall bear a statement indicating the system was tested and maintained early.

(f) The licensee shall offer to return all replaced parts to the system owner or owners representative, except those parts that are required to be returned to the manufacturer under conditions of warranty.

(g) Prior to activating any fire alarm component of an automatic fire extinguishing system, the licensee shall insure that he is capable of restoring the fire alarm system.

(h) At the time of testing and maintenance, building management shall be consulted to avoid unnecessary disturbance of normal building operation.

(i) The licensee shall contact the local fire authority having jurisdiction prior to testing and maintenance of a system when required by the local fire authority having jurisdiction to do so.

(j) *It is the responsibility of the contractor, company, or licensee to provide a written report of the test and maintenance results to the building owner and the local fire authority having jurisdiction at the completion of the testing and maintenance.*

NOTE: Authority cited: Section 13195, Health and Safety Code. Reference: Sections 13195.5 and 13196.5, Health and Safety Code.

HISTORY

1. Amendment of section heading and section filed 11-14-2006; operative 4-1-2007 (Register 2006, No. 46).

§ 904.3. Maintenance Requirements for Standpipe Systems.

NOTE: Authority cited: Section 13195, Health and Safety Code. Reference: Sections 13195 and 13195.5, Health and Safety Code.

HISTORY

1. Repealer filed 11-14-2006; operative 4-1-2007 (Register 2006, No. 46).

§ 904.4. Service Requirements for Standpipe Systems.

NOTE: Authority cited: Section 13195, Health and Safety Code. Reference: Sections 13195 and 13195.5, Health and Safety Code.

HISTORY

1. Editorial correction of subsection (a)(2) filed 7-29-83 (Register 83, No. 33).
2. Amendment of subsection (b)(1) filed 10-28-2004; operative 10-28-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 44).
3. Repealer filed 11-14-2006; operative 4-1-2007 (Register 2006, No. 46).

§ 904.5. Maintenance Requirements for Automatic Fire Sprinkler Systems.

NOTE: Authority cited: Section 13195, Health and Safety Code. Reference: Sections 13195 and 13195.5, Health and Safety Code.

HISTORY

1. Editorial correction of subsections (a) and (b) filed 7-29-83 (Register 83, No. 33).
2. Repealer filed 11-14-2006; operative 4-1-2007 (Register 2006, No. 46).

§ 904.6. Service Requirements for Automatic Fire Sprinkler Systems.

NOTE: Authority cited: Section 13195, Health and Safety Code. Reference: Sections 13195 and 13195.5 Health and Safety Code.

HISTORY

1. Editorial correction of subsections (a)(9) and (b)(11) filed 7-29-83 (Register 83, No. 33).
2. Repealer filed 11-14-2006; operative 4-1-2007 (Register 2006, No. 46).

§ 904.7. Inspection, Testing, and Maintenance Requirements for Engineered and Pre-Engineered Fixed Extinguishing Systems.

Inspection, Testing, and Maintenance shall be performed in accordance with:

- (a) Section 904(a)(2), Title 19 CCR;
- (b) the manufacturer's written instructions, which are approved and on file with the Office of the State Fire Marshal; and
- (c) the applicable standards adopted in Title 24, Part 9, CCR (California Fire Code).

NOTE: Authority cited: Section 13195, Health and Safety Code. Reference: Sections 13195 and 13195.5 Health and Safety Code.

HISTORY

1. Amendment of section heading and section filed 11-14-2006; operative 4-1-2007 (Register 2006, No. 46).

Article 5. Licensing

§ 905. Licenses.

(a) As specified in Health and Safety Code Section 13196.5, no person shall engage in the business of servicing automatic fire extinguishing systems without a valid "A" license issued by the Office of the State Fire Marshal or a C-16 Fire Protection license as issued by the State of California Contractors State Licensing Board.

(b) Licenses shall be for the service of any one or combination of, the following:

(1) Type 1—Fire Sprinkler Systems.

(2) Type 2—Engineered and Pre-engineered Fixed Extinguishing System.

(3) Type 3—Standpipe Systems.

(c)(1) Application for a license to engage in the business of, or perform for a fee, the servicing of automatic fire extinguishing systems shall be made in writing to the State Fire Marshal on forms provided by the Office of the State Fire Marshal and shall be accompanied by the fees prescribed in Section 905.2 of these regulations.

(2) The application shall be signed by the sole proprietor, all partners in a partnership, or the corporation's authorized agent.

(3) The application shall be accompanied by a list of:

(A) All engineered and pre-engineered systems which the applicant intends to service by type of extinguishing agent and manufacturer's designation.

(B) Employees qualified to perform the service for which license is applied for and verification of the licensee's or their employee's training, education, and experience.

(C) Necessary equipment, supplies, and parts, for servicing systems for which a license is sought.

(d) Original licenses shall be valid from the date of issuance through December 31st of the year in which issued. Thereafter, each license shall be renewed annually and renewals shall be valid from January 1st through December 31st.

(e) Every license issued according to these regulations shall be posted on the premises of the licensed location. Licenses shall be readily available for inspection at any reasonable hour by the local inspection authority or by the State Fire Marshal.

(f) No licensee shall conduct business or solicit business under a name other than that which appears on his license.

(g) Possession of a license shall not authorize the licensee or their employee to enter any property or building or to enforce any provision of this subchapter.

(h) Every licensee shall notify the State Fire Marshal at the Sacramento office in writing within fifteen (15) days of any change of the licensee's address.

(i) Licenses are not transferable.

(j) Application for renewal shall be made on or before November 1st of the year in which the current license expires. Application for renewal shall be made in writing on forms provided by the Office of the State Fire Marshal and shall be accompanied by the prescribed fees.

(k) Application for renewal of any class of license which has expired for one year or more shall be considered as an original application.

(l) A duplicate license may be issued by the Office of the State Fire Marshal upon receipt of a written statement by the licensee describing the reasons for the duplicate issuance.

NOTE: Authority cited: Sections 13195 and 13197, Health and Safety Code. Reference: Sections 13196.5 and 13197, Health and Safety Code.

HISTORY

1. Certificate of Compliance including amendment transmitted to OAL 5-16-83 and filed 6-15-83 (Register 83, No. 26).
2. Order of Repeal of former subsections (c)(2) and (d) from 1-17-83 order filed 6-15-83 by OAL pursuant to Government Code Section 11349.6 (Register 83, No. 26).

3. Editorial correction of subsections (g) and (h) filed 6-28-83 (Register 83, No. 26).
4. Amendment of subsections (a), (c)(1), (c)(3)(A), (g)-(j) and (l) filed 11-14-2006; operative 4-1-2007 (Register 2006, No. 46).

§ 905.1. Denial, Revocation and Suspension.

(a) The State Fire Marshal may order revocation or suspension pursuant to Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code.

(b) The issuance or renewal of a license may be denied by the State Fire Marshal for any of the following reasons:

- (1) The applicant is not the real person in interest.
- (2) Refusal to allow inspection by the State Fire Marshal or his duly appointed employees.
- (3) The applicant for a license does not have access to the necessary equipment specified in the list required by Section 905(c)(3)(C) of these regulations.
- (4) The applicant for a license or his employees do not possess the qualifications to conduct the operations for which the application is made.

(c) The denial, revocation or suspension of a license may be ordered by the State Fire Marshal for any violation of Section 13197.5, Health and Safety Code.

NOTE: Authority cited: Section 13195, Health and Safety Code. Reference: Sections 13197 and 13197.5, Health and Safety Code.

HISTORY

1. Certificate of Compliance including renumbering and amendment of Section 905.2 to Section 905.1 transmitted to OAL 5-16-83 and filed 6-15-83 (Register 83, No. 26).
2. Editorial correction filed 6-28-83 (Register 83, No. 26).

§ 905.2. Fees.

(a) The original or renewal fee for licensees to service or test each type of automatic fire extinguishing systems shall be:

License Fees

Type of License	Type of System	Primary Location	Additional Location
1	Fire Sprinkler System	\$500.00	\$100.00
2	Engineered and Pre-Engineered Fixed Extinguishing Systems	\$500.00	\$100.00
3	Standpipe System	\$500.00	\$100.00

NOTE: Authority cited: Section 13195, Health and Safety Code. Reference: Section 13198, Health and Safety Code.

HISTORY

1. Certificate of Compliance including renumbering of Section 905.3 to Section 905.2 transmitted to OAL 5-16-83 and filed 6-15-83 (Register 83, No. 27).
2. Editorial correction of NOTE filed 6-28-83 (Register 83, No. 26).
3. Amendment filed 11-14-2006; operative 4-1-2007 (Register 2006, No. 46).

Article 6. Labels, Tags and Forms

§ 906. General.

- (a) Labels shall be used on water-based fire protection systems.
- (b) Tags shall be used on engineered and pre-engineered fixed extinguishing systems.
- (c) Labels and tags shall be white with black letters. They shall be five and one-fourth inches (5-1/4") in length, and two and five-eighth inches (2-5/8") in width with a one-fourth inch (1/4") tolerance for each dimension. One sample label and/or tag shall be submitted to the Office of the State Fire Marshal for approval.
- (d) The following information shall be printed on labels and tags approved by the Office of the State Fire Marshal:

(1) The words "DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL."

(2) Concern Name.

(3) Concern Physical Address.

(4) License Number. (California State Fire Marshal "A" license or State of California Contractors State License Board license)

(5) Date of service or testing and maintenance.

(6) The Seal of the Office of the State Fire Marshal.

(7) Space or line for signature of person performing or supervising the service or testing and maintenance work.

(e) When service or testing and maintenance is performed, the initial date of service or testing and maintenance, the printed name and signature of the person performing or supervising the servicing shall be placed on the tag or label. A hole shall be clearly punched in the appropriate boxes.

(f) No person shall remove a tag or label from or place a tag or label on an automatic fire extinguishing system except when service or testing and maintenance is performed.

(g) No person shall deface, modify, or alter any tag or label attached to or required to be attached to any automatic fire extinguishing system.

(h) The label or tag conforming to this section shall be securely attached to each automatic fire extinguishing system at the time of service or testing and maintenance.

(i) The label or tag approved by the Office of the State Fire Marshal shall be affixed to a system only after all deficiencies have been corrected.

(j) Adhesive labels shall be manufactured in accordance with ANSI/UL 969, Standard for Marking and Labeling Systems, 4th edition, 1995, which is hereby incorporated by reference.

NOTE: Authority cited: Section 13195, Health and Safety Code. Reference: Section 13195 Health and Safety Code.

HISTORY

1. New Article 6 (Section 906) filed 7-15-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 29).
2. Amendment of article heading, section heading and section filed 11-14-2006; operative 4-1-2007 (Register 2006, No. 46).

§ 906.1. Water-Based Fire Protection System Testing and Maintenance Labels.

(a) The label shall be placed:

(1) On the fire department connection or on the riser for Class I, III, and combined standpipes and on the hose outlet closest to the front door for Class II standpipes,

(2) On or adjacent to the fire department connection or on the riser for fire sprinkler systems and,

(b) The following format shall be used for all labels:

DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL											
OWNER IS RESPONSIBLE FOR MAINTAINING RECORDS											
		SIGNATURE						SPRINKLER STANDPIPE FIRE PUMP WATER TANK FOAM WATER SPRAY PRIVATE FIRE SERVICE MAIN			
		Company Name Address Phone Number Will Print Here									
LICENSE # ☐ 5 YEAR ☐ 3 YEAR ☐ ANNUAL		PRINT NAME									
		JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015									

NOTE: Authority cited: Section 13195, Health and Safety Code. Reference: Section 13195, Health and Safety Code.

HISTORY

1. New section filed 11-14-2006; operative 4-1-2007 (Register 2006, No. 46).

§ 906.2 Engineered and Pre-Engineered Fixed System Service Tags.

(a) The tags shall be of the hanging type with the option of a self-adhesive type. Tags shall be placed on the agent supply tank enclosure or manual pull device for pre-engineered and engineered fixed systems.

(b) The following format shall be used for all tags:

NOTE: Authority cited: Section 13195, Health and Safety Code. Reference: Section 13195, Health and Safety Code.

HISTORY

1. New section filed 11-14-2006; operative 4-1-2007 (Register 2006, No. 46).
2. Amendment of subsection (b) filed 3-28-2007; operative 4-1-2007 pursuant to Government Code section 11343.4 (Register 2007, No. 13).

§ 906.3. Forms.

(a) The following forms in the format developed by the Office of the State Fire Marshal, which are hereby incorporated by reference, shall be used to record the results of all inspections, tests and maintenance of water-based fire protection systems.

- (1) Inspection, Testing, Maintenance Cover Sheet (AES 1 dated March 21, 2006).
- (2) Sprinklers Systems (AES 2 dated March 21, 2006).
- (3) Standpipe and Hose Systems (AES 3 dated March 21, 2006).
- (4) Private Fire Service Mains (AES 4 dated March 21, 2006).
- (5) Fire Pumps (AES 5 dated March 21, 2006).
- (6) Water Storage Tanks (AES 6 dated March 21, 2006).
- (7) Water Spray Fixed Systems (AES 7 dated March 21, 2006).
- (8) Foam-Water Sprinkler Systems (AES 8 dated March 21, 2006).
- (9) Continuation Sheet (AES 9 dated March 21, 2006).

NOTE: Authority cited: Section 13195, Health and Safety Code. Reference: Section 13195, Health and Safety Code.

HISTORY

1. New section filed 11-14-2006; operative 4-1-2007 (Register 2006, No. 46).

Chapter 6. Fireworks

Article 1. Jurisdiction

§ 975. Title.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12500-12725, Health and Safety Code.

HISTORY

1. Repealer of subchapter 6 (sections 975 through 1099.9, not consecutive) and new subchapter (sections 975 through 1099, not consecutive) filed 9-17-76; effective thirtieth day thereafter (Register 76, No. 38). For prior history, see Register 57, No. 17; 60, No. 25; 65, No. 8; 67, No. 2; 69, No. 3; 71, No. 27; 71, No. 41; 72, No. 34; and 73, No. 18.
2. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).
3. Editorial correction of printing error in article heading (Register 92, No. 34).

§ 976. Authority.

HISTORY

1. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 976.1. Validity.

HISTORY

1. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 976.2. Order of Precedence.

HISTORY

1. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 977. Scope.

HISTORY

1. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 978. Exempt Fireworks.

HISTORY

1. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 979. Jurisdiction.

For the purposes of this chapter, the California State Fire Marshal shall be the primary enforcement authority for these regulations in all state-owned or state-occupied buildings. This authority shall extend to those premises leased by the state of California.

NOTE: Authority cited: Section 13108(c), Health and Safety Code. Reference: Sections 13100 and 13108, Health and Safety Code.

HISTORY

1. Repealer and new section filed 4-14-92; operative 5-14-92 (Register 92, No. 21).
2. Editorial correction deleting article heading (Register 92, No. 34).

Article 2. Definitions

§ 980. Definitions.

(a) "A" Definitions.

(1) Aerial Shell. A cylinder or spherical cartridge containing a burst charge and pyrotechnic or non-pyrotechnic effects, a fuse, a black powder lift charge and is fired from a mortar.

(2) ASTM. The American Society of Testing and Materials, a national organization publishing standards for all types of materials and products.

(b) "B" Definitions.

(1) Barrage. A rapidly fired sequence of effects.

(2) Batten. A strip of wood to which pyrotechnic devices are attached for support.

(3) Binary Low Explosive Compounds. Special effects materials in which fuel and an oxidizer are mixed together to produce a pyrotechnic composition.

(4) Blank Cartridge. A cartridge constructed from either metal or plastic casing, with a center or rim fire primer filled with various amounts of pyrotechnic compositions measured by loads.

(5) Blasting Galvanometer. An electrical resistance measuring device designed specifically and approved for testing of electric firing circuits.

(6) Bottle Rocket. A pyrotechnic device containing a maximum of 20 grams of pyrotechnic composition, which rises into the air upon ignition. A stick is used for guidance and stability, and a burst of color or noise, or both, is produced at height of flight.

(7) Break. An individual burst from an aerial shell, producing either a visible or audible effect or both, and may consist of a single burst or multiple effects.

(8) Bullet Effect. The discharge of the pyrotechnic or explosive bullet hit.

(9) Bullet Hit. A device containing various levels and amounts of pyrotechnic composition, whose purpose is to create the illusion of a bullet impact.

(c) "C" Definitions.

(1) California Candle. Hand held heavy paper or cardboard tube emitting showers of sparks.

(2) Comet. A pyrotechnic device launched from a mortar that produces an ascending burning effect, is self-consuming, and may or may not contain a burst charge or stars.

(d) "D" Definitions.

(1) Darts. To move suddenly and swiftly from one place to another.

(2) Detonator. Any device containing a detonating charge that is used for initiating detonation in an explosive. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, detonating cord delay connectors, and nonelectric instantaneous and delay blasting caps.

(3) D.O.T. means U.S. Department of Transportation.

(4) Dud. A pyrotechnic item which leaves the mortar and returns to earth without producing the intended burst or effect. See also Misfire.

(e) "E" Definitions.

(1) Electric Firing. A technique used to discharge fireworks in which an electric match or squib and a source of electric current are used to ignite fuses or lift charges.

(2) Electric Match. An electric device containing a pyrotechnic compound which ignites when sufficient current flows through the leads.

(3) Experimental High Power Rocket. Non-professional rockets which are propelled by commercially manufactured high-power solid propellant rocket motors.

(4) Experimental High Power Rocket Motor. A State Fire Marshal approved, commercially manufactured rocket propulsion device containing a solid propellant charge wherein all the ingredients are pre-mixed and which produces more than 160 Newton-seconds (36 lb.-seconds) but shall not exceed 10,240 Newton-seconds (2302.2 lb.-seconds) of total impulse.

(f) "F" Definitions.

(1) Firecracker. A device containing explosive pyrotechnic composition in an amount not to exceed 50 milligrams (.772 grains) in total pyrotechnic weight, in a fused container whose primary function is to produce an audible effect.

NOTE: All firecrackers are classified as "dangerous fireworks", and pyrotechnic devices similar in construction to a "firecracker" which exceed the specified weight shall be designated explosives in accordance with Health and Safety Code Section 12000.

(2) Flash Paper. Treated paper which is extremely sensitive to heat and creates a brief flash of fire upon ignition.

(3) Flash Powder. Pyrotechnic composition intended for use in firecrackers and salutes, and often used for "flash"-type effects on stage and in productions involving special effects. Flash powder produces an audible report and a flash of light when ignited. Typical flash powder compositions contain potassium chlorate or potassium perchlorate, sulfur or antimony sulfide, and powdered aluminum.

(4) Flower Pot. A shell (not the lifting charge) that explodes at or near the bottom of a mortar blowing a shower of stars and burning material into the air.

(5) Fountain. See Gerb.

(g) "G" Definitions.

(1) Gerb. (also known as a Fountain). A device that, when ignited, emits a shower of sparks into the air at various altitudes.

(2) Ground Spinning Device. Also known as a Ground Spinner. A pyrotechnic device that discharges sparks as it spins across the surface upon which it is placed.

(h) "H" Definitions.

(1) HDPE Mortar. Also known as a High Density Polyethylene Mortar, is a mortar constructed of high density polyethylene which is certified and labeled as meeting one or more of the following ASTM standards, which are hereby incorporated by reference: ASTM D 3350, or ASTM F 714.

(i) "I" Definitions.

(1) Ignitor. An electric, chemical or mechanical device used to initiate burning or pyrotechnic or propellant materials.

(j) "J" Definitions. None.

(k) "K" Definitions. None.

(l) "L" Definitions.

(1) Lance. A thin cardboard tube packed with a color-producing pyrotechnic composition.

(2) License. "License" means any nontransferable authorization granted by the State Fire Marshal to engage in any activity regulated by this part.

(3) Licensee. "Licensee" means any person 21 years of age or older holding a fireworks license issued pursuant to Chapter 5 (commencing with Section 12570), of the Health and Safety Code.

(4) Loader. A person who places shells into mortars.

(5) Low Burst or Low Break. The result of a shell exploding below its prescribed height.

(m) "M" Definitions.

(1) Magazine Tender. Person who distributes pyrotechnic items to the loader during the show.

(2) Match. A fuse made of string or thread impregnated with black powder.

(3) Meteoric Shower. A self-contained cardboard tube mounted on a plastic base emitting a shower of stars into the air.

(4) Mines or Mine Bags. A device contained within a reusable or disposable tube, where upon ignition stars, firecrackers, salutes, whistles or other devices are propelled into the air, with the tube remaining on the ground.

(5) Misfire. A pyrotechnic item which fails to function as designed after initiation. See also Dud.

(6) Model Rocket Motor. The same as a model rocket engine, as defined in Health and Safety Code Section 12520. Model rocket motors shall not produce more than 160 Newton-seconds of total impulse power.

(7) Monitor. Person responsible for watching for pyrotechnic items which do not perform properly.

(8) Mortar. A cylinder that is used to hold and fire public display or special effects pyrotechnic items or compositions as defined in Section 999 of this subchapter.

(9) Mortar Box. Also known as a Trough. A portable wooden structure used for the placement of mortars.

(10) Mortar Rack. A wooden rack holding closely spaced HDPE or paper mortars. Mortar racks are limited to 10 tubes per individual rack.

(11) Multiple Break Shell. Aerial shell which has two or more breaks.

(12) Muzzle Burst. The process of an aerial shell breaking or bursting just as it leaves the mortar, scattering stars and burning material.

(n) "N" Definitions.

(1) N.F.P.A. The National Fire Protection Association.

(2) Non-metallic Mortar. See HDPE and Paper Mortar definition.

(o) "O" Definitions. None.

(p) "P" Definitions.

(1) Pan Type Mortar. A shallow metal container that is used to hold and fire special effect pyrotechnic compositions.

(2) Paper Mortar. A mortar constructed of spiral or convolute wound paper or chipboard.

(3) Party Popper. "Party Popper" also known by other names such as Champagne Party Poppers, Party Surprise Popper and Hot Shot Poppers, is a pyrotechnic device which contains less than 0.25 grain of pyrotechnic composition per unit load, designed to be held in the hand and when fired propels soft paper, cloth inserts or other similar fill material into the air.

(4) Pigeons. Also known as line rockets. Pyrotechnic items using mechanical devices to control the effect of flight movement.

(5) Public Display of Fireworks. "Public display of fireworks" means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of dangerous fireworks, as defined in Section 12505 of Health and Safety Code.

(q) "Q" Definitions. None.

(r) "R" Definitions.

(1) Report. A detailed written account of all events involving pyrotechnic materials, devices, and operations in which a fire, injury, or death occurs, or in which any violation of the laws or regulations takes place.

(2) Retailer. Any person who, at a fixed place of business, sells, transfers, or gives fireworks to a consumer or user.

(3) Roman Candle. A heavy paper or cardboard tube containing pellets of pyrotechnic composition which, when ignited, are expelled into the air at several-second intervals.

(s) "S" Definitions.

(1) Salute. An aerial shell as well as other pyrotechnic items whose primary effects are detonation and flash of light.

(2) Set Piece. Also known as ground display piece, mechanical piece. A pyrotechnic device or series of devices that while on the ground or elevated produces a visual and/or audible effect. These devices may employ fountains, roman candles, wheels, and lances.

(3) Shunt. A deliberate short-circuit of an electrically fired pyrotechnic device or a means contained within its firing system to protect it from accidental ignition by extraneous electricity.

(4) Single Break Shell. Aerial shell having one or more effects within a cylindrical or spherical casing.

(5) Snap Cap. Also known by other names such as, but not limited to, Snappers, Pop Pop Snappers, Fun Snaps and Bang Snaps. It is a pyrotechnic device that typically contains less than .20 grams, but shall not contain more than .25 grams, of gravel impregnated with not more than one milligram of pyrotechnic composition. Each unit consists of a small, roughly spherical paper parcel, approximately one-quarter (1/4) inch in diameter with a twisted paper tail. Each unit, when dropped against a hard surface, produces a small, toy cap-like report.

NOTE: Studies are conducted annually by the Office of State Fire Marshal which will determine whether or not there are adverse consequences from the regulation of snap caps.

(6) Soft Detonator. A detonator in which the explosive or pyrotechnic material is encased in a non-metallic container.

(7) Sparkler. A Stick or wire coated with a pyrotechnic composition that produces a shower of sparks upon ignition.

(8) Squib. See Electric Match. See also Detonator and Soft Detonator.

(t) "T" Definitions.

(1) Travel. To move from point of ignition either vertically or horizontally.

(2) Trough. Also known as a Mortar Box. A portable wooden structure used for the placement of mortars.

(u) "U" Definitions. None.

(v) "V" Definitions. None.

(w) "W" Definitions.

(1) Wheel Driver. A heavy paper or cardboard tube emitting a shower of sparks from a very small orifice, similar to a propellant motor.

(2) Within This State. "Within this state" means all territory within the boundaries of this state.

(x) "X" Definitions. None.

(y) "Y" Definitions. None.

(z) "Z" Definitions. None.

NOTE: Authority cited: Sections 12505 and 12552, Health and Safety Code. Reference: Sections 12505 and 12552, Health and Safety Code.

HISTORY

1. Amendment of subsections (f)(2) and (g) filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment of subsection (d)(1) filed 3-2-79; effective thirtieth day thereafter (Register 79, No. 9).
3. Amendment of subsections (c) and (f) filed 5-7-79; effective thirtieth day thereafter (Register 79, No. 19).
4. Amendment filed 4-14-92; operative 5-14-92 (Register 92, No. 21).
5. Amendment of subsection (s)(5) filed 6-24-94; operative 6-24-94 (Register 94, No. 25).
6. Editorial correction of subsections (a)(2), (b)(3), (e)(2), (e)(4) and (r)(1) (Register 97, No. 44).

Article 3. Licenses

§ 981. General.

(a) No person shall engage in any type of fireworks activities without having submitted an application for and having obtained a license from the State Fire Marshal in accordance with the provisions of this chapter. Licenses shall be processed in accordance with Title 19, California Code of Regulations, Section 3.33.

EXCEPTIONS:

- (1) Licensed Pyrotechnic Operators Basic Commercial, Restricted Commercial and Rockets, First Class may employ unlicensed assistants.
Unlicensed assistants shall perform only when under the direct, immediate and constant supervision of the licensee when handling fireworks and pyrotechnic compositions.
- (2) Licensed special effects and theatrical pyrotechnicians may employ unlicensed assistants. Unlicensed assistants shall perform only when under the direct, immediate and constant supervision of the licensee when handling fireworks and pyrotechnic compositions.
- (3) A license shall not be required for the use or discharge of safe and sane fireworks.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Amendment filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 981.1. Cause for Denial.

The use of any false or misleading statement or misrepresentation offered or used to secure any fireworks license, permit, classification, registration, or any other official fireworks document is a violation of these regulations, and shall be cause for denial of the license, permit, classification, registration or other official fireworks document.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Amendment filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 981.2. Misuse or Alteration of License.

All fireworks licensees as set forth in this chapter shall be prohibited from giving or permitting any other person to use such license for any purpose whatsoever.

Any license issued under this chapter found to be altered shall be confiscated by the authority examining the license. The authority confiscating the license shall notify the State Fire Marshal immediately, and shall cooperate with the State Fire Marshal in all matters relating to an investigation of the incident.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12583, and 12600, Health and Safety Code.

HISTORY

1. Amendment filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 981.3. License Fees.

(a) Every license fee required in accordance with this section shall be paid by check or money order made payable to the "CDF/State Fire Marshal."

(b) Every required fee shall be paid at or mailed to the office location designated by the State Fire Marshal.

(c) The original and annual renewal fee for a license shall be for the fiscal year or portion thereof beginning July 1 and ending June 30 of the following year, except that the fee for a Retail License shall be for the period of noon on the 28th of June through noon on the 6th of July, of the same calendar year.

(d) The original and annual renewal fees shall be as follows:

(1) Manufacturer	\$1500.00
(2) Wholesaler	3000.00
(3) Importer & Exporter	4500.00
(4) Retailer	50.00
(5) Public Display (special)	350.00
(6) Public Display (limited)	200.00
(7) Public Display (general)	1,500.00
(8) Pyrotechnic Operator:	
Basic Commercial	125.00
Restricted Commercial	50.00
Rockets, 1st Class	50.00
Rockets, 2nd Class	50.00
Rockets, 3rd Class	50.00
Special Effects, 1st Class	250.00
Special Effects, 2nd Class	200.00
Special Effects, 3rd Class	100.00
Theatrical	200.00
Theatrical Trainee	100.00
Performer	125.00
(9) Manufacture, import, export, or wholesale, or any combination thereof; agricultural and wildlife fireworks	500.00
(10) Manufacture, import, export, or wholesale, or any combination thereof; model rocket motors	500.00
(11) Registration or classification fee for each model of emergency signaling device	50.00

- (12) Party Popper/Snap Cap Distributor Permit 750.00
 (13) Manufacture, import, export, wholesale, or any combination thereof high power or experimental high power rockets and motors 1500.00
 (14) Retailer (high power rocket) 500.00
 (e) The original registration and classification fees shall be as follows:
 (1) Original registration and classification fee for each model of model rocket motor, high power rocket or motor, safe and sane, party popper, snap caps/snappers, agricultural/wildlife or exempt fireworks 50.00

(f) Required fees shall be submitted jointly with the appropriate application. Such Fees are non-refundable once the license has been issued.
 NOTE: Authority cited: Sections 12552 and 12631–12633, Health and Safety Code. Reference: Sections 12552 and 12630–12633, Health and Safety Code.

HISTORY

1. Amendment filed 1–12–84 as an emergency; effective upon filing (Register 84, No. 2).
2. Order of Repeal filed 1–12–84 by OAL pursuant to Government Code section 11349.6 (Register 84, No. 2).
3. Amendment filed 3–14–85; effective upon filing pursuant to Government Code section 11346.2(d) (Register 85, No. 11).
4. Amendment of subsections (d)(1) and (d)(3)–(d)(11) filed 9–15–89; operative 10–15–89 (Register 89, No. 38).
5. Amendment of subsections (a), (c), (d)(8), (d)(10) and (d)(11) and adoption of NOTE filed 4–14–92; operative 5–14–92 (Register 92, No. 21).

6. Amendment of subsections (d)(2), (3) and (8)–(10) and NOTE and new subsection (d)(12) filed 6–24–94; operative 6–24–94 (Register 94, No. 25).
7. Amendment of subsections (d)(8) and (d)(11) and new subsection (f) filed 12–28–2001; operative 1–27–2002 (Register 2001, No. 52).
8. Amendment filed 10–21–2002; operative 11–20–2002 (Register 2002, No. 43).

§ 981.4. Duplicate License.

In the event a valid license is lost or destroyed, a duplicate license will be issued upon written notice from the licensee to the State Fire Marshal and the submission of a \$25.00 fee.

NOTE: Authority cited: Sections 12552 and 12580, Health and Safety Code. Reference: Sections 12630, 12631 and 12632, Health and Safety Code.

HISTORY

1. Amendment filed 1–12–84 as an emergency; effective upon filing (Register 84, No. 2).
2. Order of Repeal filed 1–12–84 by OAL pursuant to Government Code section 11349.6 (Register 84, No. 2).
3. Amendment filed 3–14–85; effective upon filing pursuant to Government Code section 11346.2(d) (Register 85, No. 11).
4. Repealer and renumbering of former section 981.8 to section 981.4 filed 4–14–92; operative 5–14–92 (Register 92, No. 21).

§ 981.5. License Scope.

(a) Model Rockets. A Model Rocket License authorizes the manufacture, import, export or wholesale or any combination thereof.

[The next page is 65.]

(b) **Pyrotechnic Operator.** A Pyrotechnic Operator's License authorizes and places the responsibility for the handling, supervision and discharge of any fireworks item or pyrotechnic device and establishes that the operator is responsible for the training of his or her assistants in the safe handling, supervision, and discharge of these items and devices, in accordance with the following:

(1) **Pyrotechnic Operator—Unrestricted** may conduct and take charge of all fireworks activities in connection with every kind of public fireworks display, whether commercial entertainment, experimental and other types of rockets, special effects in motion picture, theatrical and television production.

(2) **Pyrotechnic Operator—Basic Commercial** may conduct and is restricted to all fireworks activities in connection with a commercial fireworks public display, including the determination that all mortars, set pieces, rocket launchers and rockets are properly installed and that the proper safety precautions have been taken to insure the safety of persons and property. Such operator shall have charge of all activities directly related to handling, preparing and firing all fireworks at the public display, including the fixing of lifting charges and quick match as needed for aerial shells.

(3) **Pyrotechnic Operator—Restricted Commercial** may conduct and is restricted exclusively to the use and discharge of firecrackers and the use of other exempt fireworks in religious ceremonies.

(4) **Pyrotechnic Operator—Rockets First Class** may conduct and is restricted to all activities in connection with research experiments, production, transportation, fuel loading and launching of all types of experimental rockets. Such operator shall also be responsible for the actions and conduct of all assistants. Operators licensed under subsection (b) are also required to obtain a local permit from the authority having jurisdiction prior to all launches.

(5) **Pyrotechnic Operator—Rockets Second Class** may conduct and is restricted to all activities in connection with research experiments, production, transportation, fuel loading and launching of all types of solid fuel experimental rockets only. Such operator shall also be responsible for the actions and conduct of all assistants. Operators licensed under subsection (b) are also required to obtain a local permit from the authority having jurisdiction prior to all launches.

(6) **Pyrotechnic Operator—Rockets Third Class** may purchase, transport, store, and launch high power rockets. Experimental high power rocket motors may only be imported, exported, and wholesaled by individuals or companies holding valid import, export, or wholesale licenses. **Pyrotechnic Operators—Third Class** may only purchase high powered rocket motors from licensed wholesalers. Operators licensed under subsection (b) are also required to obtain a local permit from the authority having jurisdiction prior to all launches.

(7) **Pyrotechnic Operator—Special Effects First Class** may conduct and is restricted to the use, preparation for transportation and the preparation and use of all types of fireworks and special effects pyrotechnics, for the sole purpose of producing a visible or audible effect where and when such use is a necessary part of motion picture, television, theatrical or operatic production, as permitted by the fire authority having jurisdiction.

(8) **Pyrotechnic Operator—Special Effects Second Class** may conduct and is restricted to the use of special effects, the loading of blank cartridges, colored fire, flash paper, smoke composition, the preparation and use of binary A and B Flash composition and such other fireworks of whatever kind and class as may be permitted by the authority having jurisdiction, under a special permit in connection with television and motion picture production.

(9) **Pyrotechnic Operator—Special Effects Third Class** authorizes the loading of blank cartridge shells, and use of special effects when under the direct supervision and control of a Pyrotechnic Operator—Special Effects First or Second Class.

(10) **Pyrotechnic Operator—Theatrical** authorizes the use of special effects, blank cartridges, colored fire, flash paper, flash, smoke composition,

and the preparation and use of binary A and B Flash composition in stage or theatrical productions only.

(11) **Pyrotechnic Operator—Theatrical Trainee** authorizes the conducting of procedures permitted a Pyrotechnic Operator—Theatrical when under the direct supervision and control of a licensed Pyrotechnic Operator—Theatrical.

(12) **Pyrotechnic Operator—Performer** is restricted to persons who perform before an audience, directly or indirectly, and may include magicians, comedians, still photographers, and others whose primary interest is in other than pyrotechnics. Such license is restricted to the use of blank cartridges, colored fire, flash paper, sparklers, and smoke composition in connection with the production of theatricals and operas before live audiences in theaters, opera houses, television studios, night clubs, and similar occupancies, or by the use of a still photographer.

(c) **Separate License Not Required.** A separate license shall not be required of licensed manufacturers, wholesalers, or importer-exporter to manufacture, wholesale, import or export agricultural and wildlife fireworks or model rocket engines.

(d) **Explosive Materials Not Included in Scope of License.** The license scope as defined in this section is restricted to the use of materials defined as "fireworks" (as defined in Health and Safety Code Section 12511) and in no way confers authority for the use or discharge of explosive materials defined in Health and Safety Code Sections 12000, et seq.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12552, 12578 and 12580, Health and Safety Code.

HISTORY

1. Amendment of subsection (d) filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment of subsection (d) filed 3-2-79; effective thirtieth day thereafter (Register 79, No. 9).
3. Repealer and renumbering and amendment of former section 981.9 to section 981.5 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 981.6. Penalty.

HISTORY

1. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 981.7. Expired License.

HISTORY

1. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 981.8. Duplicate License.

NOTE: Authority cited: Sections 12552 and 12580, Health and Safety Code. Reference: Sections 12630-32, Health and Safety Code.

HISTORY

1. Renumbering of former section 981.8 to section 981.4 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 981.9. License Scope.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12500-12725, Health and Safety Code.

HISTORY

1. Amendment of subsection (d) filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment of subsection (d) filed 3-2-79; effective thirtieth day thereafter (Register 79, No. 9).
3. Renumbering and amendment of former section 981.9 to section 981.5 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

Article 4. Permits

§ 982. Local Permit, Application For.

(a) When applying for a permit under Health and Safety Code section 12640(e), an applicant shall submit the following information and evidence to the authority having jurisdiction:

(1) The name of the organization sponsoring the display, together with the names and license numbers of persons actually in charge of the display.

(2) The date and time of day the display is to be held.

- (3) The exact location planned for the display.
- (4) The size and number of all fireworks to be discharged including the number of set pieces, shells, and other items. Shells shall be designated by diameter specifying single, multiple break or salute.
- (5) The manner and place of storage of all fireworks prior to, during, and after the display.
- (6) Diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, roads, and other means of transportation, the lines behind which the audience will be restrained, the location of all nearby trees, telegraph or telephone lines, or other overhead obstruction.
- (7) Proof that satisfactory workers' compensation insurance is carried for all employees in compliance with Labor Code Section 3700.
- (8) If the permit is for a public display or special effects, documentary proof of conformance with sections 12610 and 12611, Health and Safety Code.
- (9) A State Fire Marshal's license for the public display of fireworks, under Health and Safety Code Sections 12575, 12576, or 12577. No permit for a public display of any type shall be granted unless a public display license general, special, or limited has been first obtained from the State Fire Marshal.
- (10) The name and license number of the wholesaler who supplied all items used in the display.

(b) Permittee shall be responsible for compliance with the provisions under which a public display permit has been granted.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Repealer of former section 982, and renumbering and amendment of former section 993.2 to section 982 filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Repealer of former section 982, and renumbering and amendment of former section 993.2 to section 982 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).
3. Editorial correction of printing error inserting article heading (Register 92, No. 34).

§ 982.1. Effective Period.

HISTORY

1. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 982.2. Application.

HISTORY

1. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 982.3. License Required.

HISTORY

1. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 982.4. Investigation and Report.

HISTORY

1. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

Article 5. Qualification—Examination and Investigation

§ 984. General.

(a) Test and Examination. Every applicant for a pyrotechnic operator's license shall take and pass a written examination administered by the State Fire Marshal in accordance with the provisions of this chapter. The applicant shall submit evidence attesting to the qualifications and experience required by this Article for the type of license for which application has been submitted.

(1) Pyrotechnic Operator—Unrestricted shall require a minimum amount of experience as indicated for each of the following types of li-

censes. Such experience shall be in the actual discharge of fireworks and pyrotechnic devices for the types indicated.

(A) Pyrotechnic Operator—Basic Commercial 2 years.

(B) Pyrotechnic Operator—Rockets First Class 2 years.

(C) Pyrotechnic Operator—Special Effects First Class 2 years.

Under the provisions of this section, not less than 6 years total experience is required.

(2) Pyrotechnic Operator—Basic Commercial shall require a minimum of 2 years of active work as an unlicensed assistant to either a licensed Pyrotechnic Operator—Unrestricted, or Basic Commercial. This time requirement may be reduced by 1 year through the successful completion of a State Fire Marshal approved training course or through exceptional work experience as evidenced by log entries or work records. Notwithstanding the 2 year requirement, the applicant shall have participated in the firing of not less than 8 different public displays.

(3) Pyrotechnic Operator—Special Effects First Class shall require a minimum of 2 years of active work as a Pyrotechnic Operator—Special Effects Second Class. This time requirement may be reduced by 1 year through the successful completion of a State Fire Marshal approved training course or through exceptional work experience as evidenced by log entries or work records.

(4) Pyrotechnic Operator—Special Effects Second Class shall require a minimum of 2 years of active work as a Pyrotechnic Operator—Special Effects Third Class. This time requirement may be reduced by 1 year through the successful completion of a State Fire Marshal approved training course or through exceptional work experience as evidenced by log entries or work records.

(5) Pyrotechnic Operator—Special Effects Third Class. No experience required.

(6) Pyrotechnic Operator—Theatrical shall require a minimum of 2 years of active work as a Pyrotechnic Operator—Theatrical Trainee. This time requirement may be reduced by 1 year through the successful completion of a State Fire Marshal approved training course or through exceptional work experience as evidenced by log entries or work records.

(7) Pyrotechnic Operator—Theatrical Trainee. No experience required.

(8) Pyrotechnic Operator Performer. No experience required.

(b) Qualifications. Adequate qualification for the issuance of the requested license shall be determined by the State Fire Marshal. It shall be incumbent upon the applicant to present to the State Fire Marshal evidence of such qualifications which may include a physical demonstration of knowledge and ability.

(c) Experience. The required experience for issuance of a pyrotechnic operator's license shall be in accordance with this section. In addition, applications shall be accompanied by the names and complete addresses of not less than five persons as reference who are not a relative, and who can attest to the applicant's experience, integrity and training. The references shall be licensed pyrotechnic operators of a class equal to or greater than the class applied for and shall have been licensed for at least one year.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12552, 12580, 12589, 12603 and 12607, Health and Safety Code.

HISTORY

1. Amendment of subsections (a)(5), (a)(7) and (a)(8) filed 3-2-79; effective thirtieth day thereafter (Register 79, No. 9).
2. Amendment of subsections (a), (a)(2) and NOTE filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 984.1. Examinations.

The written examination required for pyrotechnic operators shall consist of at least three parts, one pertaining to laws relating to fireworks, one pertaining to regulations relating to fireworks and one relating to the practices and procedures of the license scope.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12552 and 12580, Health and Safety Code.

HISTORY

1. New NOTE filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 984.2. Examination Process.

(a) To satisfactorily pass the written examination, the applicant must obtain a minimum grade of seventy percent (70%) in each part.

(b) Every person taking an examination for pyrotechnic operator shall have the right to contest the validity of individual questions of such examination.

(c) Every objection as to the validity of individual questions of an examination shall be made in writing within 5 days after taking said examination. Objections shall state the reasons for each objection.

(d) The decision as to the action to be taken on the submitted objection(s) shall be by the State Fire Marshal and such decision shall be final.

(e) The decision made by the State Fire Marshal and the action taken shall be reflected in all future examinations but shall not affect the grades established in past examinations.

(f) Any applicant failing the examination may reapply and take another examination not less than 15 days from the date of the previous examination.

(g) Applicants applying to take repeat examinations shall file a new application. An additional fee is not required in those instances where the applicant has taken a test and failed it.

(h) The State Fire Marshal may require a reexamination of any licensee. This examination may be of any type permitted by these regulations. A fee shall not be required for a reexamination.

(i) Any applicant found using any extrinsic aids during the examination shall automatically fail the examination, and shall forfeit admission to future examinations for a period of one year.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12552, 12580 and 12589, Health and Safety Code.

HISTORY

1. Amendment filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 984.3. Application Period.

An original pyrotechnic operator's license shall not be issued for the month of June of any fiscal year unless the application has been received in the office of the State Fire Marshal on or before the preceding May 15.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12552, 12580, 12589, 12595 and 12597, Health and Safety Code.

HISTORY

1. Amendment and new NOTE filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 984.4. Investigation and Letters of Reference.

Applicants for a pyrotechnic operator's license are subject to an investigation by the State Fire Marshal. The investigation is intended to determine, but will not be limited to, compliance with State laws and regulations, and competency of applicant to perform in a safe manner. To assist in this investigation five letters of reference in conformance with Section 984(c) shall be submitted with this application. Additionally, a review of the applicant's log or journal detailing the kind of materials used, the quantity, how fired, date, time and location, and name and license number of the supervising pyrotechnician shall be conducted.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12552, 12580, 12587, 12590 and 12615, Health and Safety Code.

HISTORY

1. Amendment and new NOTE filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 984.5. Renewal Applications.

Application for renewal of a license shall be made by the person to whom the license was issued. In all cases, applicants for license renewal shall pass an examination as required for an original application in accordance with the provisions of this chapter every four years.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. New section filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 985. Employee Registration.**HISTORY**

1. Repealer of article heading and section filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 985.1. Restrictions.**HISTORY**

1. Amendment of subsection (a) filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 985.2. Application.**HISTORY**

1. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 985.3. Responsibility.**HISTORY**

1. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

Article 6. Classification of Fireworks**§ 986. Classification.**

(a) Fireworks or pyrotechnic devices that are to be used or sold for use in this state and found by the State Fire Marshal to come within the definition of "party poppers", "snap caps", "safe and sane", "agricultural and wildlife", "model rocket motors", "high power rocket motors", "emergency signaling device" or "exempt" fireworks shall be classified as such by the State Fire Marshal.

EXCEPTION: Special Effects items developed and compounded on location for single time usage.

(b) The classification of an item shall not be construed as conferring classification to any similar item without the approval of the State Fire Marshal. The trade name of an item shall not be changed without notifying the State Fire Marshal 30 days prior to such change.

NOTE: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12560-12569 and 12671, Health and Safety Code.

HISTORY

1. Renumbering of article heading, amendment of section text and new NOTE filed 4-14-92; operative 5-14-92 (Register 92, No. 21).
2. Amendment of subsection (a) filed 6-24-94; operative 6-24-94 (Register 94, No. 25).

§ 986.1. Sparklers.

Sparklers, which are defined as a stick or wire coated with a pyrotechnic composition that produces a shower of sparks upon ignition, are classified as dangerous fireworks under the authority of Health and Safety Code section 12505(k).

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12505(k), 12552, 12560 and 12561, Health and Safety Code.

HISTORY

1. Repealer of former section 986.1, and new section filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Repealer of former section 986.1 and new section filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 986.2. Test Samples.

(a) Undischarged samples of each item of fireworks which are to be examined, classified and labeled as "Party Poppers", "Snap Caps," or "safe and sane" must be submitted to the State Fire Marshal for testing. The number of samples necessary shall be determined by the State Fire Marshal and in no case shall be less than ten (10).

(b) Undischarged samples of each item which is to be examined, classified, and labeled as "agricultural wildlife", "emergency signaling devices", "model rocket engine", and "high-power rocket engine" shall be submitted to the State Fire Marshal for testing. The number of undischarged samples necessary for each test shall be determined by the State Fire Marshal and in no case shall be less than three (3).

NOTE: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12560-12569 and 12671, Health and Safety Code.

HISTORY

1. Amendment and new NOTE filed 4-14-92; operative 5-14-92 (Register 92, No. 21).
2. Amendment of subsection (a) filed 6-24-94; operative 6-24-94 (Register 94, No. 25).

§ 986.3. Chemical Analysis.

The request for classification of all fireworks as "safe and sane" fireworks or any item as a "party popper" or "snap caps", shall be accompanied by a qualitative chemical analysis showing every chemical and substance used in the manufacture of such fireworks, "party poppers" or "snap caps". Such qualitative analysis shall be made by the manufacturer, and shall include the total pyrotechnic weight of each item.

NOTE: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12560-12569 and 12671, Health and Safety Code.

HISTORY

1. Amendment and new NOTE filed 4-14-92; operative 5-14-92 (Register 92, No. 21).
2. Amendment filed 6-24-94; operative 6-24-94 (Register 94, No. 25).

§ 986.4. Re-Tests.

Licensees shall advise the State Fire Marshal of any change in quality, content, or construction of any fireworks article classified by the State Fire Marshal and shall resubmit such articles for re-test and classification.

NOTE: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12560-12569 and 12671, Health and Safety Code.

HISTORY

1. Amendment and new NOTE filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 986.5. Revocation.

The classification may be revoked by the State Fire Marshal if he or she finds that the material being marketed is not the same as that submitted for classification or when such fireworks or their labeling does not conform to the provisions of this chapter.

NOTE: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12560-12569 and 12671, Health and Safety Code.

HISTORY

1. Amendment and new NOTE filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 986.6. Specifications for Safe and Sane Fireworks.

The provisions of this section shall apply to all handle goods, stick, dowel, spike and California candle fireworks having a stick dowel or inside diameter greater than 1/8 inch and other devices as noted.

Handle goods are exempt from compliance with the provisions of subsections (a), (d) and (e) of this section if they incorporate all of the following features: (1) a soft, crushable type paper tube, (2) an inside diameter of 3/8 inch or less, (3) 3 inches or less of combustible chemical composition, and having an overall length not exceeding 12 inches without any choke or other muzzle restriction.

(a) The chemical composition tubes or cases of all stick or handle fireworks items, whether spike or dowel, except flares, shall not exceed 9 inches in length or have an inside diameter greater than 5/8 inch and shall be convolute or spiral wound of chip board or other paper having equivalent strength and shall be well glued. The above dimensions do not include the stick, dowel or tubular handles of such items.

The chemical composition tubes in all fireworks items shall be sealed in a manner that prevents leakage of the pyrotechnic composition during shipping, handling, or normal operation and shall be constructed in a manner to allow functioning without burnout or blowout.

(b) The use of any choke or other muzzle restriction in any stick or handle fireworks item, whether spike or dowel or California candle is prohibited.

(c) Compositions in all devices shall be designed and manufactured to prevent loosely compacted charges. Pyrotechnic compositions shall not discharge a flame longer than 8 inches or throw sparks further than 10

feet from the composition tube muzzle. Handle goods shall not throw sparks further than 6 feet from the composition tube muzzle.

(d) Clay base shall have a minimum finished thickness of 1/2 inch and shall be formed in place inside the tube. In no case shall the final composition charge and the clay be formed in a combined operation. All clay used as clay base shall be sufficiently moistened to insure permanent effective adhesion to the inside of the tube or case.

(e) Fireworks devices which are intended to be hand-held and are so labeled shall incorporate a handle at least 4 inches in length. Handles shall remain firmly attached during transportation, handling and full operation of the device, or shall consist of an integral section of the device at least 4 inches below the pyrotechnic chamber.

Spikes and dowels shall be inserted into the chemical composition tubes a minimum distance not less than 25% of the length of tubes 6 inches or less in length and not less than 2 inches into tubes over 6 inches long. They shall be cemented firmly in place against the clay base. There shall be no void space within the chemical composition tube.

Spikes provided with fireworks devices shall protrude at least 2 inches from the base of the device and shall have a blunt tip not less than 1/8 inch in diameter or 1/8 inch square.

(f) All fuses of every type and kind of fireworks items shall be securely fixed in contact with the composition charge to insure against accidental loss. Each fuse shall be capable of either supporting the combined weight of the fireworks item plus eight ounces dead weight, or double the weight of the item without separation from the fireworks article.

Fuses on all items shall burn for not less than 3 seconds but not more than 6 seconds.

Fuses on all items shall be treated or coated in such a manner as to reduce the possibility of side ignition. The fuse on devices such as "ground spinners" that require a restricted orifice for proper thrust and contain less than 6 grams of pyrotechnic composition are exempt from this requirement.

Fireworks items sold or offered for sale at retail which are not enclosed in sealed packages, shall have their fuses or other igniting means covered in a manner approved by the State Fire Marshal to provide reasonable protection from unintentional ignition.

(g) All pyrotechnic devices having a base shall provide stable support to maintain the item in a vertical position when firing. When bases are added to the device, they shall be firmly glued in place.

The base or bottom of fireworks devices having a base or fireworks devices that operate in a standing upright position shall have the minimum horizontal dimensions or the diameter of the base equal to at least one-third (1/3) of the height of the device including any base or cap affixed thereto.

(h) The appearance of any fireworks items resembling those articles classified by statute as "dangerous fireworks" shall constitute sufficient grounds for their classifications, by the State Fire Marshal, as "dangerous fireworks." Special reference is intended, though not by way of limitation, to cherry bombs and sky rockets and other fireworks which normally explode or rise in the air during discharge.

(i) Pinwheels shall be limited to a maximum overall diameter of 15 inches, shall be substantially constructed and all driver gerbs, firepots and other elements shall be firmly fixed to the wheel.

Drivers shall be securely attached to the device so that they will not come loose in transportation, handling, and normal operation. Wheel devices intended to operate in a fixed location shall be designed in such a manner that the axle remains attached to the device during normal operation.

(j) Smoke devices shall conform to the following:

(1) Smoke devices shall be so constructed that they will neither burst nor produce external flame (excluding the fuse and first fire upon ignition).

(2) Smoke devices shall not be of such color or configuration so as to be confused with dangerous fireworks, such as firecrackers or cherry bombs.

(3) Smoke devices shall not incorporate plastic as an exterior material if the pyrotechnic composition would come in direct contact with the plastic.

NOTE: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12560–12569 and 12671, Health and Safety Code; and Section 1507.4, 16 Code of Federal Regulations.

HISTORY

1. Amendment of subsections (e) and (f) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45)
2. Amendment of section heading, subsections (a), (c) and (f)–(h) and new NOTE filed 4–14–92; operative 5–14–92 (Register 92, No. 21).

§ 986.7. Party Poppers.

(a) General. Party Poppers, as defined in Section 980, may be sold at retail outlets without requirement of a state fireworks retailer license or other retail sales restrictions so long as these Party Poppers are units of a particular manufacturer and design which have been classified by the Office of State Fire Marshal.

(1) Only entities or individuals maintaining a valid Office of State Fire Marshal importer/exporter's license may import Party Poppers into California and may sell Party Poppers only to entities or individuals maintaining a valid Office of State Fire Marshal wholesaler's license.

(2) Only entities or individuals maintaining a valid Office of State Fire Marshal's wholesaler's license or Party Popper/Snap Cap Distributor permit may sell Party Poppers to a retail outlet. Entities or individuals maintaining a Party Popper/Snap Cap Distributor Permit may purchase Party Poppers only from an individual or entity maintaining a valid Office of State Fire Marshal wholesaler's license and may sell Party Poppers only to retail outlets.

(3) Only entities or individuals maintaining either a valid Office of State Fire Marshal wholesaler's or importer/exporter's license or Party Popper/Snap Cap Distributor Permit may transport, or cause to be transported for sale, Party Poppers within California.

(4) All wholesaler licenses and Party Popper/Snap Cap Distributor permittees must file with the Office of State Fire Marshal by the close of the month immediately following each quarter, a list of the names and addresses of all retail outlets to whom they sold Party Poppers in the preceding quarter. Retail outlets holding valid Office of State Fire Marshal retail sales licenses for the sale of Safe and Sane fireworks within the State for the period of 12:00 noon on the 28th of June through 12:00 noon on the 6th of July of that calendar year, as required by Health and Safety Code Section 12599, need not appear on this list filed with the Office of State Fire Marshal as required by this Section.

(b) In addition to the tests required by this Section, Party Poppers shall conform to the following:

- (1) The device shall contain not more than 0.25 grains of explosive.
- (2) The device shall not contain any materials specified in Section 12505 of the Health and Safety Code.
- (3) The tube casing or body shall be constructed so as to eliminate any emission into the hand of the user.
- (4) The streamers or other fill material shall be flame retardant when tested in accordance with this section.
- (5) Every individual party popper item shall bear the classification label of the State Fire Marshal, including the manufacturer's and importer/exporter's registration number. The words "party poppers" shall appear in legible print on such label.

(6) The body of every party popper shall have, in legible print, operating instructions and warning labels as may be required by the State Fire Marshal.

(c) The testing of Party Poppers shall require the submission of a minimum of ten (10) samples. The streamers or other fill material from all of the ten (10) samples shall be arranged in a loose pile and subjected to the flame from a common paper match for not less than 5 seconds. The test material shall not continue to burn or smolder for more than 2 seconds after the match has been removed.

If the streamers or other fill material fail the above tests, the device shall be rejected.

NOTE: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12505, 12560–12569 and 12671, Health and Safety Code.

HISTORY

1. Amendment of subsections (b)(1), (b)(4) and (c) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment of subsections (a), (b)(4)–(6) and (c) and new NOTE filed 4–14–92; operative 5–14–92 (Register 92, No. 21).
3. Amendment of subsections (a), (b)(4)–(5) and (c) and new subsections (a)(1)–(4) filed 6–24–94; operative 6–24–94 (Register 94, No. 25).

§ 986.8. Snap Caps.

(a) General. Snap Caps as defined in Section 980, may be sold at retail outlets without requirement of a state fireworks retailer license or other retail sales restrictions so long as these Snap Caps are units of a particular manufacturer and design which have been classified by the State Fire Marshal for testing and classification in accordance with this Section.

Only entities or individuals maintaining a valid Office of State Fire Marshal importer/exporter's license may import Snap Caps into California and may sell Snap Caps only to entities or individuals maintaining a valid Office of State Fire Marshal wholesaler's license.

Only entities or individuals maintaining a valid Office of State Fire Marshal wholesaler's license or Party Popper/Snap Cap Distributor permit may sell Snap Caps to a retail outlet. Entities or individuals maintaining a Party/Snap Cap Distributor Permit may purchase Snap Caps only from an individual or entity maintaining a valid Office of State Fire Marshal wholesaler's license and may sell Snap Caps only to retail outlets.

Only entities or individuals maintaining either a valid Office of State Fire Marshal wholesaler's or importer/exporter's license or Party Popper/Snap Cap Distributor Permit may transport, or cause to be transported, for sale, Snap Caps within California.

All wholesaler licenses and Party Popper/Snap Cap Distributor permittees must file with the Office of State Fire Marshal by the close of the month immediately following each quarter, a list of the names and addresses of all retail outlets to whom they sold Snap Caps in the preceding quarter. Retail outlets holding valid Office of State Fire Marshal retail sales licenses for the sale of Safe and Sane fireworks within the State for the period of 12:00 noon on the 28th of June through 12:00 noon on the 6th of July of that calendar year, as is required by Health and Safety Code Section 12599, need not appear on this list filed with the Office of State Fire Marshal as required by this Section.

(b) In addition to the tests required by this Section, Snap Caps shall conform to the following:

- (1) Each device typically contains less than .20 grams, but shall not contain more than .25 grams, of gravel impregnated with not more than one milligram of pyrotechnic composition.
- (2) Each device shall not contain any prohibited materials specified in Section 12505 of the Health and Safety Code.
- (3) Each device shall be constructed of a paper parcel which shall be flame retardant when tested in accordance with this Section.
- (4) The packaging for these devices shall bear the classification label of the State Fire Marshal, including the manufacturer's and importer/exporter's registration numbers. The words "Snap Caps/Snappers" shall appear in legible print on such label.

(5) The packaging for these devices shall have, in legible print, operating instructions and warning labels as may be required by the State Fire Marshal.

(c) The testing of Snap Caps shall require the submission of a minimum of ten (10) samples. The paper material from all of the ten (10) samples shall be arranged in a loose pile and subjected to the flame from a common paper match for not less than five (5) seconds. The test material shall not continue to burn or smolder for more than two (2) seconds, after the match has been removed.

If the paper material fails the above test, the device shall be rejected.

HISTORY

1. Renumbering of former section 986.8 to section 986.9 and new section filed 6–24–94; operative 6–24–94 (Register 94, No. 25). For prior history, see Register 92, No. 21.

§ 986.9. Similar Devices.

A firecracker, as defined in Section 980(f)1, which exceeds 50 milligrams (.772 grains) in net pyrotechnic composition weight shall be classified as explosives in accordance with Health and Safety Code Section 12000.

NOTE: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12505(b) and (k), 12511, 12540 and 12560, Health and Safety Code.

HISTORY

1. Renumbering of former section 986.8 to section 986.9 filed 6-24-94; operative 6-24-94 (Register 94, No. 25).

Article 7. Seal of Registration and Labeling**§ 987. Seal of Registration, Description.**

(a) The State Fire Marshal's Seal of Registration required by this chapter shall conform to the provisions of this article. The Seal of Registration shall be applied to all classified fireworks and pyrotechnic devices by a licensed manufacturer, importer, exporter or wholesaler, and shall indicate the classification assigned by the State Fire Marshal or any State Fire Marshal approved laboratory.

(b) The licensee registration number shall appear in the boxes below the seal as illustrated in this article.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12567 and 12568, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 987 to section 988 and renumbering and amendment of former section 988 to section 987 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 987.1. Unlawful Use.

No person or concern shall produce, reproduce or use the Seal of Registration in any manner or for any purpose except as provided in this chapter.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12567 and 12568, Health and Safety Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Repealer and renumbering and amendment of former section 988.1 to section 987.1 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 987.2. Permissive Use.

(a) Licensed manufacturers, importer/exporters, or wholesalers may, after review by the State Fire Marshal, use the Seal of Registration bearing their license registration number for any of the following:

- (1) Printed matter including advertising and copy for publication.
- (2) Letterhead, personal cards and similar stationery.

(3) Stencils for any of the foregoing.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12502 and 12618, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 988.2 to section 987.2 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 987.3. Reproduction.

No person shall reproduce the fireworks Seal of Registration unless the seal reproduction conforms to the approved copy as issued at the time the license and registration number is granted. No alteration shall be made to the original or copy, or to any reproduction of the Seal of Registration unless approved by the State Fire Marshal.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12502 and 12618, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 988.3 to section 987.3 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 987.4. Registration Numbers.

Before reproduction of the Seal of Registration, there shall be inserted in the box at the bottom of the reproduction, the registration number assigned by the State Fire Marshal to designate the category of the licensee. The category shall be designated by the capital letter proceeding the registration number as follows: "M" for manufacturing, "I/E" for importer/exporter, "W" for wholesaler. The designation for model rockets and signaling devices shall be as follows: "MR" for model rockets, "HPR" for high-power rocket motors, "L" for land signaling devices, "S" for sea signaling devices and "A" for air signaling devices. Signaling devices intended for more than one function shall use all of the appropriate letters.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12502 and 12618, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 988.4 to section 987.4 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 987.5. Cease Use Order.

No person or concern shall continue use of the Seal of Registration in any manner or for any purpose after receipt of a notice in writing from the State Fire Marshal to discontinue such use.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12502 and 12618, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 988.5 to section 987.5 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 987.6. State Fire Marshal's Seal of Registration.

The Seal of Registration shall appear in a format illustrated by the following samples below:



STATE FIRE MARSHAL'S SEALS OF REGISTRATION
AND FIREWORKS CLASSIFICATION

SAMPLES ABOVE, INCLUDING CLASSIFICATION

1. Enter one of the appropriate classification titles above the seal (see preceding samples) as listed below:

- (a) Dangerous
- (b) Safe and Sane
- (c) Agricultural/Wildlife
- (d) Model Rocket Motor
- (e) Emergency Signaling Device (L), (S), or (A)
- (f) Exempt
- (g) Party Popper
- (h) High Power Rocket Motor
- 1. Snap Caps/Snappers

2. Enter the Office of State Fire Marshal manufactures registration number in the box at the bottom of the seal. The seal that must appear on all Party Poppers and the seal that must appear on all packaging for all Snap Caps must also include the Office of State Fire Marshal importer/exporter's registration number.

3. On or before May 15 of the first year an importer intends to distribute in California, which ever comes later, an importer of Safe and Sane fireworks shall be required to file with the Office of State Fire Marshal in Sacramento, a notarized list of all Safe and Sane firework devices which: (1) they have previously submitted for testing and which have been classified as Safe and Sane by the Office of State Fire Marshal; and (2) indicate by placing an asterisk(*) before the name of each Safe and Sane firework device they intend to distribute in California for retail sale between June 28th and July 6th of that year.

On or before May 15 of each year thereafter, each importer shall be required to file with the Office of State Fire Marshal in Sacramento, a notarized list of all Safe and Sane firework devices they intend to distribute in California for retail sales between June 28th and July 6th of that year including all new Safe and Sane firework devices which have been submitted for testing and which have been classified as Safe and Sane by the Office of State Fire Marshal since that importer filed its first list with the Office of State Fire Marshal in accordance with this Section.

These lists must include the name and address of the importer and the importer/exporter's registration number. The devices on these list must be segregated by type of device [i.e., cone fountains, base fountains, wheels, smoke items, ground spinners, hand-held items, and other devices which have been classified as Safe and Sane by the Office of State Fire Marshal]. These firework devices must be listed by the name as it appears on each item and within each firework device category, these items must be segregated into two subcategories: (1) those items to which this importer has exclusive trademark and/or distribution rights; and (2)

those items to which this importer does not have exclusive trademark and/or distribution rights.

On or by June 20 of each year, the Office of State Fire Marshal shall distribute a master list or compilation of all said individual lists, segregated by importer, to all members of the fire service in California. This list shall also include a listing of snap cap and party popper devices which have been submitted for testing and classified as a "Snap Cap" or "Party Popper" by the Office of State Fire Marshal. This listing of snap caps and party poppers must include the name and address of the importer and the importer/exporter's registration number.

On or before June 1 of each year, the Office of State Fire Marshal shall supply each importer who submitted an individual list, a draft copy of how that importer's list will appear on the forthcoming master list. That importer shall then have ten (10) business days from its receipt of this draft list to review, approve and/or request any corrections in its listing. Any request for corrections must be submitted along with appropriate documentation to the Office of State Fire Marshal in Sacramento.

The failure of an importer to timely file its individual list and/or to file a timely request for substantiated corrections to the draft copy of how that importer's list will appear on the master list, as required by this Section, shall subject any item which does not appear on the Office of State Fire Marshal's master list to immediate seizure by any law enforcement or fire service entity in California at any location where these devices are being offered for retail sale.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

- 1. New section filed 4-14-92; operative 5-14-92 (Register 92, No. 21).
- 2. New subsections (i) and 3 and amendment of subsection 2 filed 6-24-94; operative 6-24-94 (Register 94, No. 25).

§ 988. Labeling, General Provisions.

(a) All fireworks or pyrotechnic devices classified by the State Fire Marshal, in addition to bearing the State Fire Marshal Seal of Registration, shall be labeled in accordance with the provisions of this article.

Such labeling may be by stamp, stencil or printing or by a firmly attached printed adhesive label. The entire label shall appear in legible type.

EXCEPTIONS: (1) Special Effects items developed and compounded on location for single time usage.

(2) Set pieces used for public display.

(3) Any device that is too small for practical single-item labeling such that it would render the label illegible, as determined by the State Fire Marshal.

NOTE: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12560–12569, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 988 to section 987 and renumbering and amendment of former section 987 to section 988 filed 4–14–92; operative 5–14–92 (Register 92, No. 21).
2. Editorial correction of EXCEPTION 1 (Register 97, No. 44).

§ 988.1. Labeling of Dangerous Fireworks.

All dangerous fireworks, in addition to bearing the State Fire Marshal's Seal of Registration showing the classification and registration number as required in this article, shall bear a warning label with the wording: "Warning: Do Not Hold in Hand."

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12552 and 12560, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 988.1 to section 987.1 and new section filed 4–14–92; operative 5–14–92 (Register 92, No. 21).

§ 988.2. Labeling of Agricultural and Wildlife Fireworks, Model Rocket Motors, High Power Rocket Motors, and Emergency Signaling Devices.

All agricultural and wildlife fireworks, model rocket motors, high power rocket motors and emergency signaling devices offered for sale, sold or used in this state shall bear, in addition to the seal, classification, and registration number required in this article, a warning label indicating to the user where and how the item is to be used and necessary safety precautions to be taken.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12552 and 12560, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 988.2 to section 987.2 and new section filed 4–14–92; operative 5–14–92 (Register 92, No. 21).

§ 988.3. Instruction Labeling. Safe and Sane Fireworks.

(a) The following fireworks classified as "safe and sane" shall be labeled as indicated herein. Any "safe and sane" fireworks device not required to have a specific label as indicated below shall carry a legible warning label clearly indicating to the user where and how the item is to be used and necessary safety precautions to be observed. The use of the word "close" is optional.

(1) Fountains, Spike Fountains, and Whistles.

WARNING (OR CAUTION)

EMITS SHOWERS OF SPARKS

DO NOT HOLD IN HAND

Use only under (close) adult supervision

For outdoor use only

Place on level surface

Stick firmly in ground in an upright position (Spike items only)

Light fuse and get away

(2) Handle Fountains, California Candles

WARNING (OR CAUTION)

EMITS SHOWERS OF SPARKS

Use only under (close) adult supervision

[The next page is 71.]

For outdoor use only

Hold in hand at bottom of tube or handle

Point away from body so that neither ends points toward body or another person

(3) Ground Spinners or Ground Spinning Devices

WARNING (OR CAUTION) – SPINS ON GROUND

DO NOT HOLD IN HAND

EMITS SHOWERS OF SPARKS (either on the side, front, back, top, or bottom panel)

Use only under (close) adult supervision

For outdoor use only

Place on hard, flat, smooth, and level surface

Light fuse and get away

(4) Wheels–Vertical

WARNING (OR CAUTION)

EMITS SHOWERS OF SPARKS

DO NOT HOLD IN HAND

Use only under (close) adult supervision

For outdoor use only

Attach securely by means of a nail through the hole

Light fuse and get away

(5) Wheels–Horizontal

WARNING (OR CAUTION)

EMITS SHOWER OF SPARKS

Use only under (close) adult supervision

For outdoor use only

Attach string to object so that item hangs freely

Do not hold in hand

Light fuse and get away

(6) Toy smoke devices and flitter devices

WARNING (OR CAUTION)

FLAMMABLE (OR EMITS SHOWERS OF SPARKS, IF MORE DESCRIPTIVE)

Use only under (close) adult supervision

For outdoor use only

Do not hold in hand

Light fuse and get away

NOTE: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12562, 12567 and 12568, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 988.3 to section 987.3 and new section filed 4–14–92; operative 5–14–92 (Register 92, No. 21).

§ 988.4. Registration Numbers.

HISTORY

1. Renumbering and amendment of former section 988.4 to section 987.4 filed 4–14–92; operative 5–14–92 (Register 92, No. 21).

§ 988.5. Cease Use Order.

HISTORY

1. Renumbering and amendment of former section 988.5 to section 987.5 filed 4–14–92; operative 5–14–92 (Register 92, No. 21).

Article 8. Storage

§ 989. General.

All magazines shall meet the requirements as set forth in the Code of Federal Regulations, Title 27, Part 55, Subpart K (Storage).

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12640, 12671, 12673, 12674, 12679 and 12722, Health and Safety Code.

HISTORY

1. Repealer and new section and amendment of article heading filed 4–14–92; operative 5–14–92 (Register 92, No. 21).

§ 989.1. Storage, General Provisions.

(a) All fireworks, pyrotechnic compositions and pyrotechnic devices shall be kept in a locked magazine and in a manner approved by the authority having jurisdiction unless they are:

- (1) In the process of being manufactured;

(2) In the process of being used; or

(3) Being transported to a place of storage or use by a licensee, in accordance with the Code of Federal Regulations, Title 49, Part 173, Subpart C, and Title 13, Chapter 6, Article 3 of the California Code of Regulations.

(b) Class C Common Fireworks and those devices designated as “safe and sane” fireworks shall be stored in a manner consistent with the Code of Federal Regulations, Title 49, Section 173.88.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Repealer and new section filed 4–14–92; operative 5–14–92 (Register 92, No. 21).

§ 989.2. Access Roads and Signs.

All magazine storage sites shall have access roads suitable for use by fire apparatus posted with the following warning sign or other sign approved by the authority having jurisdiction:

DANGER

NEVER FIGHT EXPLOSIVES FIRES

EXPLOSIVES ARE STORED ON THIS SITE

CALL _____

The sign shall be weather-resistant with a reflective surface and lettering at least two (2) inches high.

NOTE: Authority cited: Sections 12081 and 12552, Health and Safety Code. Reference: Sections 12081, 12101 and 12552, Health and Safety Code.

HISTORY

1. Amendment filed 11–13–80; effective thirtieth day thereafter (Register 80, No. 46).
2. Repealer and new section filed 4–14–92; operative 5–14–92 (Register 92, No. 21).

§ 989.2.1. Signs.

HISTORY

1. Repealer section filed 4–14–92; operative 5–14–92 (Register 92, No. 21).

§ 989.3. Activities and Devices Prohibited.

Smoking, matches, flame-producing devices, open flames, and firearms shall not be permitted inside or within fifty (50) feet of magazines.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Repealer and new section filed 4–14–92; operative 5–14–92 (Register 92, No. 21).

§ 989.4. Magazines in Dwelling Prohibited.

No loaded indoor storage magazine shall be located in a residence or dwelling.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Repealer and new section filed 4–14–92; operative 5–14–92 (Register 92, No. 21).

§ 989.5. Supervision.

HISTORY

1. Repealer section filed 4–14–92; operative 5–14–92 (Register 92, No. 21).

§ 989.6. Personnel.

HISTORY

1. Repealer section filed 4–14–92; operative 5–14–92 (Register 92, No. 21).

Article 9. Shipping and Transportation

§ 990. Transportation of Fireworks.

(a) Only fireworks and pyrotechnic devices classified by and bearing the Seal of Registration of the State Fire Marshal shall be transported within this state.

EXCEPTIONS: 1. Unclassified fireworks being transported to the State Fire Marshal for classification. 2. Unclassified fireworks being transported for verified

out-of-state delivery. 3. Fireworks being imported and moving directly from the port of importation to the facilities of the licensed importer for purposes of application for the Seal of Registration for the State Fire Marshal.

(b) All fireworks and pyrotechnic devices being transported in this state, whether classified or unclassified, shall be packaged and transported in accordance with the Code of Federal Regulations, Title 49, Part 173, Subpart C, or with Health and Safety Code Sections 12650–12654. NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12650–12654, Health and Safety Code.

HISTORY

1. Renumbering of article heading and repealer and new section filed 4–14–92; operative 5–14–92 (Register 92, No. 21).

§ 990.1. General Safety.

Every vehicle transporting fireworks or pyrotechnic devices shall comply with Sections 27903, 31610, and 31616 of the Vehicle Code of the State of California.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code; and Section 27903, Vehicle Code.

HISTORY

1. Repealer and renumbering and amendment of former section 990.6 to section 990.1 filed 4–14–92; operative 5–14–92 (Register 92, No. 21).

Article 10. Reports

§ 990.2. Filing Reports.

Import/export licensees shall file written reports with the State Fire Marshal involving the importation of fireworks, in accordance with Health and Safety Code Sections 12619 and 12620.

(1) Prior to importing fireworks, the licensee shall file a report with the State Fire Marshal. Reports shall indicate the name and address of the manufacturer and of the shipper, the type and kind of fireworks being imported, the quantity of each type and kind of fireworks, the estimated arrival time of shipment, the name of the carrier, and the load number or other identification carton marks.

(2) Upon arrival or prior thereto, the State Fire Marshal shall be notified as to contemplated disposition of fireworks. Contemplated storage, classification, and reshipment plans shall be included in this report.

EXCEPTION: Import/export licensees shall not be required to file reports as outlined in this section for pyrotechnic devices and materials used solely for special effects.

NOTE: Authority cited: Sections 12552 and 12620, Health and Safety Code. Reference: Sections 12619 and 12620, Health and Safety Code.

HISTORY

1. Repealer and renumbering and amendment of former section 990.13 to section 990.2 filed 4–14–92; operative 5–14–92 (Register 92, No. 21).

§ 990.3. Exporting.

HISTORY

1. Repealer filed 4–14–92; operative 5–14–92 (Register 92, No. 21).

§ 990.4. Shipping.

HISTORY

1. Repealer filed 4–14–92; operative 5–14–92 (Register 92, No. 21).

§ 990.5. Personnel.

HISTORY

1. Repealer filed 4–14–92; operative 5–14–92 (Register 92, No. 21).

§ 990.6. General Safety.

HISTORY

1. Amendment of subsection (a)(1) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
2. Renumbering and amendment of former section 990.6 to section 990.1 filed 4–14–92; operative 5–14–92 (Register 92, No. 21).

§ 990.10. Bills of Lading.

HISTORY

1. Amendment of article heading and placement before section 990.2 and repealer of section filed 4–14–92; operative 5–14–92 (Register 92, No. 21).

§ 990.11. Records.

HISTORY

1. Repealer filed 4–14–92; operative 5–14–92 (Register 92, No. 21).

§ 990.12. Thefts.

HISTORY

1. Repealer filed 4–14–92; operative 5–14–92 (Register 92, No. 21).

§ 990.13. Filing Reports.

HISTORY

1. Renumbering and amendment of former section 990.13 to section 990.2 filed 4–14–92; operative 5–14–92 (Register 92, No. 21).

Article 13. General Safety Requirements

§ 991. Safety Inspection.

Retail fireworks stands and sales areas are subject to inspection by the authority having jurisdiction. All areas where fireworks, pyrotechnic compositions or devices are used, stored or discharged shall be free from any condition which increases, or may cause an increase of, the hazard or menace of fire or explosion to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire, or which may become the cause of any obstruction, delay or hindrance to the prevention, suppression or extinguishment of fire.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12682, Health and Safety Code.

HISTORY

1. Amendment filed 6–26–91 as an emergency; operative 6–26–91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10–24–91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Amendment filed 4–14–92; operative 5–14–92 (Register 92, No. 21).

§ 991.1. Disposition Unsold Stock.

All retail fireworks licensees shall return unsold fireworks stocks to the wholesaler from whom they were purchased. The retail licensee may store unsold stock in a place and manner approved by the fire authority having jurisdiction until stock is returned to the wholesaler. Such return of stock shall be accomplished no later than the thirty-first of July of each year.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Amendment filed 6–26–91 as an emergency; operative 6–26–91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10–24–91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Amendment filed 4–14–92; operative 5–14–92 (Register 92, No. 21).

§ 991.2. Personnel.

The employer or permittee shall be responsible for instructing his or her personnel who handle fireworks, pyrotechnic compositions or devices in any capacity, in the hazards of and safety procedures relating to fireworks, pyrotechnic compositions or devices as contained in this chapter.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Amendment filed 6–26–91 as an emergency; operative 6–26–91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10–24–91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Amendment filed 4–14–92; operative 5–14–92 (Register 92, No. 21).

§ 991.3. Smoking, Storage and Handling Facilities.

Smoking shall be prohibited and “No Smoking” signs posted in all portions of the premises or locations where fireworks, pyrotechnic compositions, or devices are stored, or handled.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Amendment filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Amendment filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 991.4. Smoking, Sales Facilities.

Smoking shall be prohibited and signs bearing the words "No Smoking" shall be posted on and in every building, mobile facility, or structure used for the sale of fireworks. Signs shall be positioned at the entrance to and inside such buildings, mobile facilities, or structures and at such other locations as designated by the authority having jurisdiction. Lettering shall be red in color on a white background. Letters shall be at least 3 inches in height with a stroke of at least 1/2 inch.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Amendment filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Amendment filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 991.5. Prohibited Substances.

Intoxicating liquids, narcotics, and controlled substances are prohibited within the area of the firing site as determined by the authority having jurisdiction, and shall not be used by any person handling fireworks or special effects at any time during transportation, set-up, firing or removal.

EXCEPTION: Prescription drugs not impairing the motor functions and/or judgment of the persons affected by this section. Drugs must be taken as directed and specifically prescribed for the individual to be covered by this exception.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Repealer of former section 991.5, and new section filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Repealer of former section 991.5 and new section filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 991.6. Alcohol and Narcotics.

NOTE: Authority cited: Section 11349.1, Government Code; and Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Repealer filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

Article 13.5. Electrical Firing Circuits

§ 992. Electric Firing Circuits, General.

Connecting any electric firing circuit to any power supply, is prohibited until all special effects devices, fireworks, and pyrotechnics in the sequence are connected to firing leads and the firing area is clear of all unauthorized personnel.

EXCEPTION: Circuit testing as described in section 992.3.

NOTE: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12532 and 12552, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 992 to section 992.5, and renumbering and amendment of former section 992.17 to section 992 filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate

of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.

2. Emergency language repealed by operation of law. Renumbering and amendment of former section 992 to section 992.5, and renumbering and amendment of former section 992.17 to section 992 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 992.1. Power Sources.

Power sources for firing special effects devices, fireworks, and pyrotechnics shall be restricted to batteries or individually isolated, ungrounded generators used for firing purposes only. Commercial or house power may be used provided the firing system is electrically isolated from the commercial or house power through the use of such items as isolation transformers. Under no condition may commercial or house power be used directly for firing purposes.

NOTE: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12532 and 12552, Health and Safety Code.

HISTORY

1. Repealer of former section 992.1, and renumbering and amendment of former section 992.18 to section 992.1 filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Repealer of former section 992.1, and renumbering and amendment of former section 992.18 to section 992.1 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 992.2. Firing Systems Safeguards.

All firing systems, including battery and power circuit types, shall be designed to insure against accidental firing by providing, a shunt or other control method in which no firing power may be applied to any firing circuits unless the operator intentionally enables or arms the firing system before applying firing power.

NOTE: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12532 and 12552, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 992.2 to section 992.6, and renumbering and amendment of former section 992.20 to section 992.2 filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Renumbering and amendment of former section 992.2 to section 992.6 and renumbering and amendment of former section 992.20 to section 992.2 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 992.3. Circuit Tests.

All electrically fired pyrotechnic circuits shall be tested with a galvanometer or other test device in which the test current is not capable of firing the pyrotechnic device being tested.

NOTE: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12532 and 12552, Health and Safety Code.

HISTORY

1. Repealer of former section 992.3, and renumbering and amendment of former section 992.21 to section 992.3 filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Repealer of former section 992.3, and renumbering and amendment of former section 992.21 to section 992.3 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 992.4. Sight Firing.

Special effects devices, and pyrotechnics shall not be fired unless the area involved with the firing is in the continuously unobstructed full view of the pyrotechnic operator or his/her assistant at the time of firing.

NOTE: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12532 and 12552, Health and Safety Code.

HISTORY

1. Repealer of former section 992.4, and renumbering and amendment of former section 992.23 to section 992.4 filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Repealer of former section 992.4, and renumbering and amendment of former section 992.23 to section 992.4 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

Article 14. Special Effects

§ 992.5. Scope.

This article shall govern all "Special Effects Devices/ Materials" including those materials which have been classified and described by the regulations of the Department Of Transportation, Title 49, parts 172, 173 and 177 as Special Fireworks Class B Explosives and Common Fireworks Class C Explosives and such additional items as listed in Table 14A.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12552, 12553, 12560 and 12651, Health and Safety Code.

HISTORY

1. Repealer of former section 992.5, and renumbering and amendment of former section 992 to section 992.5 filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Repealer of former section 992.5, and renumbering and amendment of former section 992 to section 992.5 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 992.6. Responsibility.

The company representative shall provide to the authority having jurisdiction the name and license number of the special effects operator who shall have the authority, responsibility and be in charge of handling all Special Effects Materials. The company representative shall also allocate sufficient time to the Special Effects Pyrotechnic Operator to prepare for the transportation, packing, storing, securing daily, discharging, disposing of, or otherwise handling of fireworks, pyrotechnic devices, or materials in a safe manner. Upon completion of firing, no unauthorized person shall be permitted access to the firing area until the licensed pyrotechnic operator has determined the area to be safe and secure.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12552, 12583 and 12600, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 992.6 to section 992.8, and renumbering and amendment of former section 992.2 to section 992.6 filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Renumbering and amendment of former section 992.6 to section 992.8, and renumbering and amendment of former section 992.2 to section 992.6 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 992.7. Orientation Meeting.

Prior to the activity, a discussion of the events planned and all aspects and ramifications concerning safety issues as they relate to the safe use of fireworks, pyrotechnic devices and materials shall be held among all appropriate parties, as determined by the authority having jurisdiction.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 992.7 to section 992.9 and new section 992.7 filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Renumbering and amendment of former section 992.7 to section 992.9, and new section 992.7 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 992.8. Special Effects Materials.

(a) Materials described in this chapter as Special Effect Materials can be used as Special Effects. Other hazardous materials may be used when so authorized by the authority having jurisdiction.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12532, 12578 and 12603, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 992.8 to section 992.10, and renumbering and amendment of former section 992.6 to section 992.8 filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.

cate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.

2. Emergency language repealed by operation of law. Renumbering and amendment of former section 992.8 to section 992.10, and renumbering and amendment of former section 992.6 to section 992.8 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 992.9. Storage and Working Supplies.

(a) Special Effects Materials storage facilities shall be used exclusively for the storage of Special Effects Materials. Storage facilities shall not be used for the assembling, compounding, or manufacture of Special Effects Materials or any other item of fireworks. Magazines shall be kept locked at all times except when supplies are being withdrawn or replenished. Special Effects Materials shall be stored in accordance with the Code of Federal Regulations, Title 27, Part 55, Subpart K.

NOTE: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12532, 12578 and 12603, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 992.7 to section 992.9 filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Renumbering and amendment of former section 992.7 to section 992.9 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 992.10. Quantities.

(a) The quantities of special effects materials removed from magazines shall be limited to the amount necessary for immediate use. Under no condition shall any surplus or excess be permitted to remain outside a magazine, unless under the direct supervision of a licensed pyrotechnic operator.

NOTE: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 992.10 to section 992.12, and renumbering and amendment of former section 992.8 to section 992.10 filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Renumbering and amendment of former section 992.10 to section 992.12, and renumbering and amendment of former section 992.8 to section 992.10 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 992.11. Equipment.

All tools, scoops and devices used in loading and handling Special Effects Materials shall be made of non-sparking materials.

NOTE: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 992.9 to section 992.11 filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Renumbering and amendment of former section 992.9 to section 992.11 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 992.12. Mixing.

No persons shall mix any Special Effects Material except a licensed manufacturer or a licensed Special Effects Pyrotechnic Operator—First Class. All mixing, assembling, or compounding when done by other than a licensed manufacturer shall be conducted in accordance with the applicable provisions of this chapter and with approval of the authority having jurisdiction.

EXCEPTION: Binary A & B Flash composition pre-packaged by a licensed manufacturer may be mixed and utilized according to manufacturer's instructions by a Pyrotechnic Operator, Special Effects—Second Class, or Pyrotechnic Operator, Theatrical.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Repealer of former section 992.12, and renumbering and amendment of former section 992.10 to section 992.12 filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.

mitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.

- Emergency language repealed by operation of law. Repealer of former section 992.12, and renumbering and amendment of former section 992.10 to section 992.12 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 992.13. Special Effects Water Locations.

All special effects devices and explosive charges set in or on the surface of water, either salt or fresh, or any other liquid, shall be fired by a separate, individual, ungrounded, and uncommon two-wire circuit.

NOTE: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

- Renumbering and amendment of former section 992.13 to section 992.14, and renumbering and amendment of former section 992.22 to section 992.13 filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
- Emergency language repealed by operation of law. Renumbering and amendment of former section 992.13 to section 992.14, and renumbering and amendment of former section 992.23 to section 992.13 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 992.14. Special Effects Not Allowed to Be Carried in Wearing Apparel.

No Special Effects Materials other than blank cartridges may be carried within the wearing apparel of a person. This shall not apply to actors portraying a scene in a theatrical, television, or film production.

NOTE: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

- Renumbering and amendment of former section 992.14 to section 992.15, and renumbering and amendment of former section 992.13 to section 992.14 filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
- Emergency language repealed by operation of law. Renumbering and amendment of former section 992.14 to section 992.15, and renumbering and amendment of former section 992.13 to section 992.14 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 992.15. Special Effect Packaging.

All Special Effects Materials shall be packaged in accordance with Department of Transportation standards as contained in Title 49 of the Code of Federal Regulations, parts 172, 173 and 177, and shall remain in the prescribed containers until used or placed in a magazine.

NOTE: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

- Renumbering and amendment of former section 992.15 to section 992.16, and renumbering and amendment of former section 992.14 to section 992.15 filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
- Emergency language repealed by operation of law. Renumbering and amendment of former section 992.15 to section 992.16, and renumbering and amendment of former section 992.14 to section 992.15 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 992.16. Special Effects Mortars.

Mortars and other items used to hold special effects, pyrotechnic or explosive materials during discharge shall be made of a material having a thickness proportional to the strength of the explosive or pyrotechnic material being used, and in every case sufficient to prevent distortion in service. Tubular mortars for firing aerial pyrotechnic and fireworks shells shall conform to the requirements of article 15 of this chapter.

NOTE: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

- Renumbering and amendment of former section 992.16 to section 992.17, and renumbering and amendment of former section 992.15 to section 992.16 filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
- Emergency language repealed by operation of law. Renumbering and amendment of former section 992.16 to section 992.17, and renumbering and amend-

ment of former section 992.15 to section 992.16 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 992.17. Flash Powder Mortars.

The use of special effects flash powder mortars consisting of converted switch boxes, sockets, or similar components is prohibited.

NOTE: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

- Renumbering and amendment of former section 992.17 to section 992, and renumbering and amendment of former section 992.16 to section 992.17 filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
- Emergency language repealed by operation of law. Renumbering and amendment of former section 992.17 to section 992, and renumbering and amendment of former section 992.16 to section 992.17 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 992.18. Special Effects Reports.

(a) Verbal reports shall be made to the State Fire Marshal within 24 hours after a firing under this article when either of the following events occur:

- (1) Injury or death to the public or the crew as a result of the firing.
- (2) Fires requiring emergency action or response.

(b) Within ten (10) working days following an incident giving rise to a verbal report, the licensed pyrotechnician in charge of the activity shall submit a complete, accurate and factual report directly to the State Fire Marshal on the episode.

NOTE: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

- Renumbering and amendment of former section 992.18 to section 992.1, and new section 992.18 filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
- Emergency language repealed by operation of law. Renumbering and amendment of former section 992.18 to section 992.1, and new section 992.18 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 992.19. Shunts.

HISTORY

- Repealer filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
- Emergency language repealed by operation of law. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 992.20. Firing Safeguards

HISTORY

- Renumbering and amendment of former section 992.20 to section 992.2 filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
- Emergency language repealed by operation of law. Renumbering and amendment of former section 992.20 to section 992.2 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 992.21. Circuit Tests.

HISTORY

- Renumbering and amendment of former section 992.21 to section 992.3 filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
- Emergency language repealed by operation of law. Renumbering and amendment of former section 992.21 to section 992.3 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 992.22. Water Locations.

HISTORY

- Renumbering and amendment of former section 992.22 to section 992.13 filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.

2. Emergency language repealed by operation of law. Renumbering and amendment of former section 992.22 to section 992.13 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 992.23. Sight Firing.

HISTORY

1. Renumbering and amendment of former section 992.23 to section 992.4 filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Renumbering and amendment of former section 992.23 to section 992.4 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

TABLE 14A

Special Effects Materials

The following materials, when used in the motion picture/television/theatrical industry by licensed special effects pyrotechnicians and when permitted by the authority having jurisdiction, are to be regulated under this chapter as fireworks, pyrotechnic materials and devices and not as explosives under Health and Safety Code Section 12000.

BULK POWDER COMPOSITIONS AND DEVICES

Black Powder
Smokeless Powder
Smoke Flash Compositions
Common Photo Flash Compositions
Illuminating Compositions
Atomized Flash Compositions
Two Component Flash Powder
Flash Paper
Flash Cotton
Flash Powder
Simulated Phosphorus
Sparking Granules
Lifters

SMOKE POWDER COMPOSITION AND DEVICES

All Colors
Smoke Compositions
Smoke Pellets
Smoke Granules
Smoke Candles
Smoke Cookies
Smoke Grenade
Smoke Pots
Smoke Signals

MATCHES AND FUSES

Quick Match
Black Match
Arcing Match
Silver Match
Cannon Fuse
Safety Fuse
Thermalite
Instantaneous Fuse
Igniter Cord

SQUIBS AND DETONATORS

Bullet Hits
Electric Match
Soft Detonators
Squibs
Detonators
Igniters

FIREWORKS

Common Class C Safe and Sane Fireworks
Common Class C Dangerous Fireworks
Special Class B Fireworks

OTHER MATERIALS

Primacord or Detonating Cord
Exploding Bolts and Cable Cutters
Non Electric Fuse
Shape Charges
Trick Noise Makers

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Repealer of all three prior tables, each titled "TABLE 13A—STORAGE OF SPECIAL EFFECTS MATERIALS," and new "TABLE 13A—Special Effects Materials" filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Renaming of Table 13A to Table 14A filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

Article 15. Public Display

§ 993. Insurance.

(a) Any person, firm, or corporation applying for a public display license shall furnish to the State Fire Marshal a policy of public liability and property damage insurance. The policy may have a deductible not to exceed fifteen thousand dollars (\$15,000). The policy shall provide limits of bodily injury and property damage liability of not less than one million dollars (\$1,000,000.00) combined single limits for each occurrence annually as payment for damages to persons or property which may result from or be caused by such public display of fireworks, or any negligence on the part of the licensee or his or its agents, servants, employees, or subcontractors presenting such public display.

EXCEPTION: A deductible in excess of fifteen thousand dollars (\$15,000) may be permitted provided a security deposit, such as, but not limited to a surety bond, pledge of assets or bank letter of credit covering the value of the excess, is approved by the State Fire Marshal.

(b) The certificate of insurance shall provide all of the following:

(1) That the insurer will not cancel the insured's coverage without 15 days prior written notice to the State Fire Marshal.

(2) That the duly licensed pyrotechnic operator required by law to supervise and discharge the public display, acting either as an employee of the insured or as an independent contractor and the State of California, its officers, agents, employees, and servants are included as additional insurers, but only insofar as any operations under this chapter are concerned.

(3) That the State shall not be responsible for any premium or assessments on the policy.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12552 and 12610, Health and Safety Code.

HISTORY

1. Amendment of subsections (a) and (b)(2) filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Amendment of subsections (a) and (b)(2) filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 993.1. Reports.

General public display and special public display licensees shall report to the State Fire Marshal prior to date of each display all public displays of fireworks contemplated under their license. Licensee must report to the State Fire Marshal at least 72 hours prior to each display on state-owned or state-occupied property. Applicants for limited public display licenses shall report at the time of applying for their license. The report shall contain the information set forth in Section 982.

EXCEPTION: A general public display licensee conducting special effects activities for motion picture, television, and theatrical productions need not comply with any of the above reporting requirements.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Amendment filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91

or emergency language will be repealed by operation of law on the following day.

- Emergency language repealed by operation of law. Amendment filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 993.2. Local Permit, Application for.

NOTE: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12532 and 12552, Health and Safety Code.

HISTORY

- Renumbering and amendment of former section 993.2 to section 982 filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
- Emergency language repealed by operation of law. Renumbering and amendment of former section 993.2 to section 982 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 994. Investigation.

NOTE: Authority cited: Section 11349.1, Health and Safety Code. Reference: Section 11349.1, Health and Safety Code.

HISTORY

- Repealer filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
- Emergency language repealed by operation of law. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 995. Public Display Permits.

NOTE: Authority cited: Section 11349.1, Health and Safety Code. Reference: Section 11349.1, Health and Safety Code.

HISTORY

- Repealer filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
- Emergency language repealed by operation of law. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 996. Spectators.

NOTE: Authority cited: Section 11349.1, Health and Safety Code. Reference: Section 11349.1, Health and Safety Code.

HISTORY

- Repealer filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
- Emergency language repealed by operation of law. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 997. Pyrotechnic Operators, Basic Commercial, Responsibilities.

(a) No basic commercial public display permit shall be granted unless there is a licensed basic commercial pyrotechnic operator and at least one additional experienced person present. Pyrotechnic Operators, Basic Commercial, shall:

- Be responsible for and have control over on-site unloading, storing, and security of all fireworks;
- Be responsible for placement of mortars, set pieces, and all other fireworks on-site as approved by the authority having jurisdiction. No fireworks shall be discharged over areas occupied by spectators;
- Insure that no person under the age of 18 is in the firing or fireworks storage sites;
- Be in possession of a current basic commercial license at the time of display; and
- Be responsible for and have control over the safe return of all unfired fireworks, misfires and duds.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

- Amendment filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.

- Emergency language repealed by operation of law. Amendment filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 998. Public Display Storage Magazines.

NOTE: Authority cited: Section 11349.1, Government Code. Reference: Section 11349.1, Government Code.

HISTORY

- Repealer filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
- Emergency language repealed by operation of law. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 999. Mortars, Aerial Shells.

(a) General.

(1) Electric firing shall be required for all mortars eight inches (8") or greater in diameter.

(2) Multiple-break shells that include a salute as one of the breaks shall be fired in HDPE mortars only.

(b) Steel Mortars.

(1) Steel Mortars shall be constructed of commercially manufactured, first quality electric resistance weld (ERW) or drawn over mandrel (DOM) steel tubing conforming to ASTM Standard A135-83, which is incorporated by reference. Mortars constructed of cast iron, other fragmenting types of steel, and all other types of metal are prohibited. Salutes shall not be fired from metallic mortars.

(2) Steel mortars shall have a base plate the same thickness of the mortar wall, welded continuously around its perimeter.

(3) The inside length of steel mortars shall meet the minimum specifications set forth below:

<i>Shell Size</i>	<i>Inside Length</i>
1.99 inches or less	8 inches
2 inches	13 inches
2 1/2 inches	13 inches
3 inches	15 inches
4 inches	20 inches
5 inches	25 inches
6 inches	30 inches
7 inches	32 inches
8 inches	32 inches
10 inches	40 inches
12 inches	40 inches
16 inches	64 inches
24 inches	96 inches

(4) Mortars shall not have any visible cracks in the body of the tube, nor any cracks or voids in the weld around the base plug. Mortars shall not be dented or distorted beyond the point that such distortion interferes with the smooth and unimpeded travel of the shell throughout the entire length of the mortar.

(c) Paper Mortars.

(1) Reusable paper mortars shall be of spiral or convolute wound kraft paper or chipboard, and shall meet the minimum specifications set forth below:

<i>Shell Size</i>	<i>Wall Thickness</i>	<i>Inside Length</i>	<i>Base Plug*</i>
Less than			
2 inches	1/8 inch	8 inches	1 inch
2 inches	1/4 inch	13 inches	2 inches
2 1/2 inches	3/8 inch	13 inches	3 inches
3 inches	3/8 inch	15 inches	3 inches
4 inches	1/2 inch	20 inches	3 inches
5 inches	1/2 inch	25 inches	4 inches
6 inches	1/2 inch	30 inches	4 inches
7 inches	3/4 inch	32 inches	4 inches
8 inches	3/4 inch	32 inches	4 inches

* Sizes for base plugs are nominal.

(2) Base plugs for paper mortars shall be wooden and securely glued, as well as nailed, screwed or bolted to the base of the mortar. Base plugs shall be discarded and replaced when damaged. Minor cracks and checks are acceptable.

(3) Multiple-break shells shall not be fired from paper mortars.

(4) HDPE Mortars. High Density Polyethylene (HDPE) mortars shall meet the minimum specifications set forth below:

Shell Size	Wall Thickness	Inside Length	Base Plug*
Less than 2"	1/8 inch	10 inches	1 inch
2 inches	1/4 inch	13 inches	2 inches
2 1/2 inches	1/4 inch	13 inches	3 inches
3 inches	1/4 inch	15 inches	3 inches
4 inches	1/4 inch	20 inches	3 inches
5 inches	1/4 inch	25 inches	4 inches
6 inches	3/8 inch	30 inches	4 inches
7 inches	3/8 inch	32 inches	4 inches
8 inches	3/8 inch	32 inches	6 inches

* Base plug sizes are nominal.

HDPE Mortars shall not be reloaded for a period of at least one (1) hour after use. All base plugs for HDPE mortars shall be wooden, and securely glued, as well as nailed, screwed, or bolted to the base of the mortar. Base plugs shall be discarded and replaced when damaged. Minor cracks and checks are acceptable.

(e) Other Materials. Recognizing that new materials for the construction of mortars may be developed, such materials may be used when specifically approved by the State Fire Marshal. Persons wishing to use material not specifically covered in this section shall submit the material in an amount sufficient for testing to the State Fire Marshal for determination of its safety and its inclusion in this section.

NOTE: For illustrations of typical mortar racks, troughs and drums, see Diagrams A, B and C following section 1002.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Repealer of former section 999 and new section filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Repealer of former section 999 and new section filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1000. Metallic Mortars.

NOTE: Authority cited: Section 11349.1, Government Code. Reference: Section 11349.1, Government Code.

HISTORY

1. Repealer filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1001. Setting Mortars.

(a) Metallic, re-usable paper and HDPE mortars shall be securely buried to a minimum of 2/3 of their minimal legal length in earth or in drums or troughs filled with moist earth or sand essentially free of debris.

(b) Mortars other than metallic mortars may be placed in wooden fire racks.

(c) Planking below mortars shall be required when the base of the mortar, trough, or drum is not on a stable and level surface.

(d) Mortars in non-electrically-fired shows shall meet all of the following requirements:

(1) Mortars up to five inches in diameter and buried in earth or placed in troughs or drums shall be spaced a minimum of 3 inches apart or from the sides of the drum or trough.

(2) Mortars six inches or larger in diameter and buried in earth or placed in troughs or drums shall be spaced a minimum of 5 inches apart or from the sides of the drum or trough. When a mortar requiring 5 inches of space is placed adjacent to a mortar requiring only 3 inches of spacing, the larger spacing shall apply.

(e) Mortars in electrically-fired shows shall meet all of the following requirements:

(1) All mortars buried in earth or placed in drums and troughs shall be nominally spaced 2 inches apart or from the sides of the drum or trough.

(2) All technicians shall be positioned a minimum of 100 feet from any mortar and positioned so as to be protected from the direct line of fire.

(3) No one shall be allowed to enter the firing area during the firing of the display.

(f) Mortars shall be set in a stable and secure manner so that accidental impact and shell discharge will not change the trajectory of adjacent unfired shells.

NOTE: For illustrations of typical mortar racks, troughs and drums, see Diagrams A, B and C following section 1002.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Repealer of former section 1001 and new section filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Repealer of former section 1001 and new section filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1002. Design Specifications for Mortar Racks, Troughs, Drums, and Ready Boxes.

(a) Mortar racks shall be limited to a maximum of 10 tubes per unit. The base and ends of the rack shall be nominal 2 inch thick lumber. The inside width shall be equal to the outside diameter of the mortar tube. Each mortar tube shall be separated by horizontal or vertical blocks nominally 2 inches thick and 4 inches wide. Side braces for mortar racks of 3 inch size mortars and up shall be 1 inch x 6 inch nominal lumber or 1/2 inch x 4 inch plywood securely fastened by nails, screws, or attached with construction grade staples along the top and bottom of the rack. A diagonal side brace must be employed on all mortar racks with more than 5 mortar tubes. Mortar racks shall not incorporate steel brackets or other metallic parts in their construction with the exception of nails, screws, or construction-grade staples. Metallic braces shall not be fastened to mortar racks at the firing site.

(b) Troughs shall not be more than 8 feet in length. Troughs may be placed in a continuous row provided they are stable and secure. The sides, bottom and ends of troughs shall be minimum 3/4 inch plywood or nominal 2 inch lumber, except in cases where the surface at the bottom of the trough is sufficiently stable to support the firing of the mortar, no bottom shall be required. Troughs shall be secured by minimum 3/8 inch through bolts, rods or angle iron "U" brackets at each end and center to prevent bulging.

(c) Drums shall be constructed of steel, aluminum or plastic.

(d) Ready boxes shall be constructed of wood not less than 1/2 inch thickness or 3/8 inch plywood, chipboard or presswood. Ready boxes shall not be equipped with any type of hold open device.

Note: For illustrations of typical mortar racks, troughs and drums, see Diagrams A, B and C immediately following this section.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code; and Section 55.200, 27 Code of Federal Regulations.

HISTORY

1. Repealer of former section 1002 and new section filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Repealer of former section 1002 and new section filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

DIAGRAM A

DIAGRAM OF A TYPICAL RACK

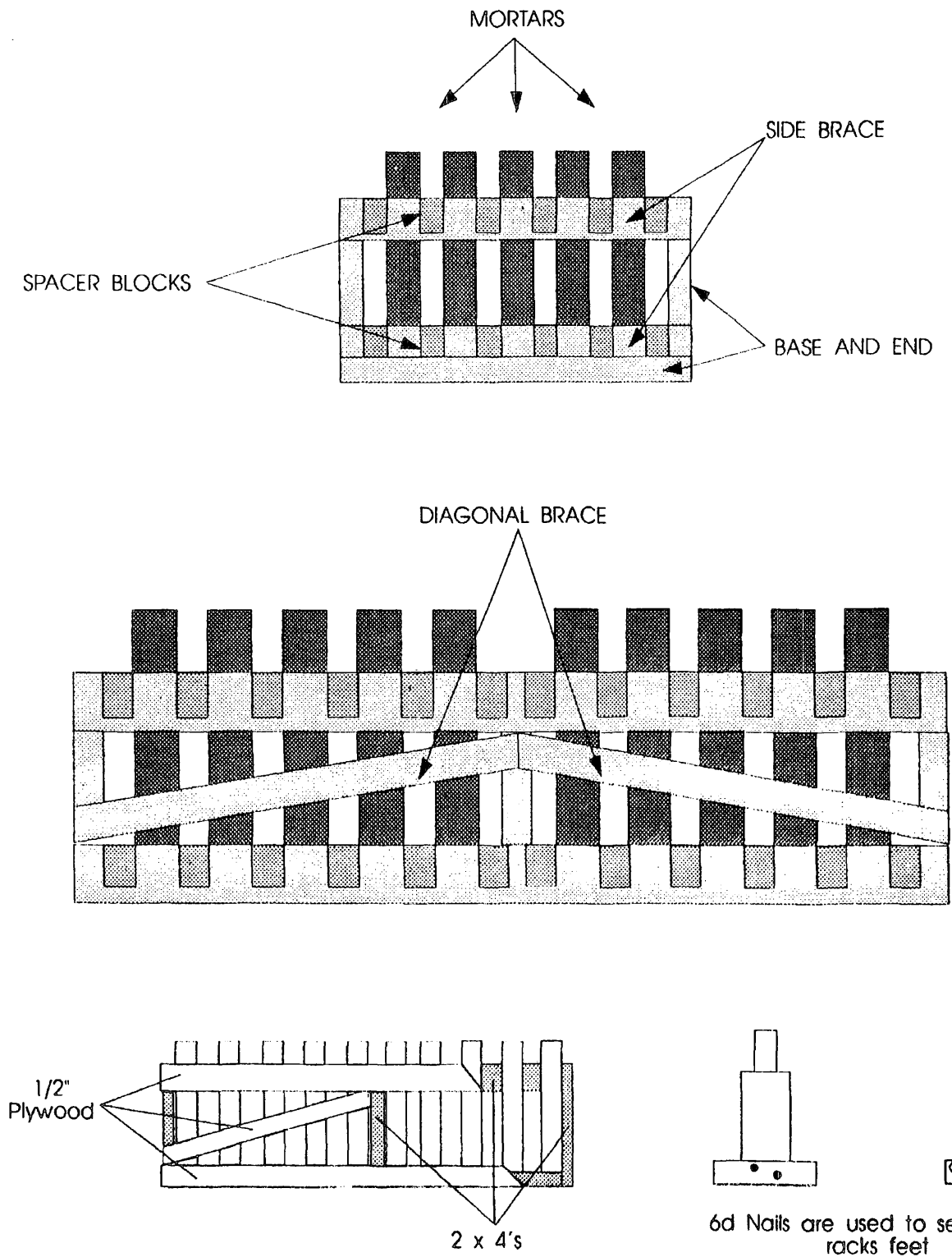


DIAGRAM B

DIAGRAM OF A TYPICAL TROUGH SETTING

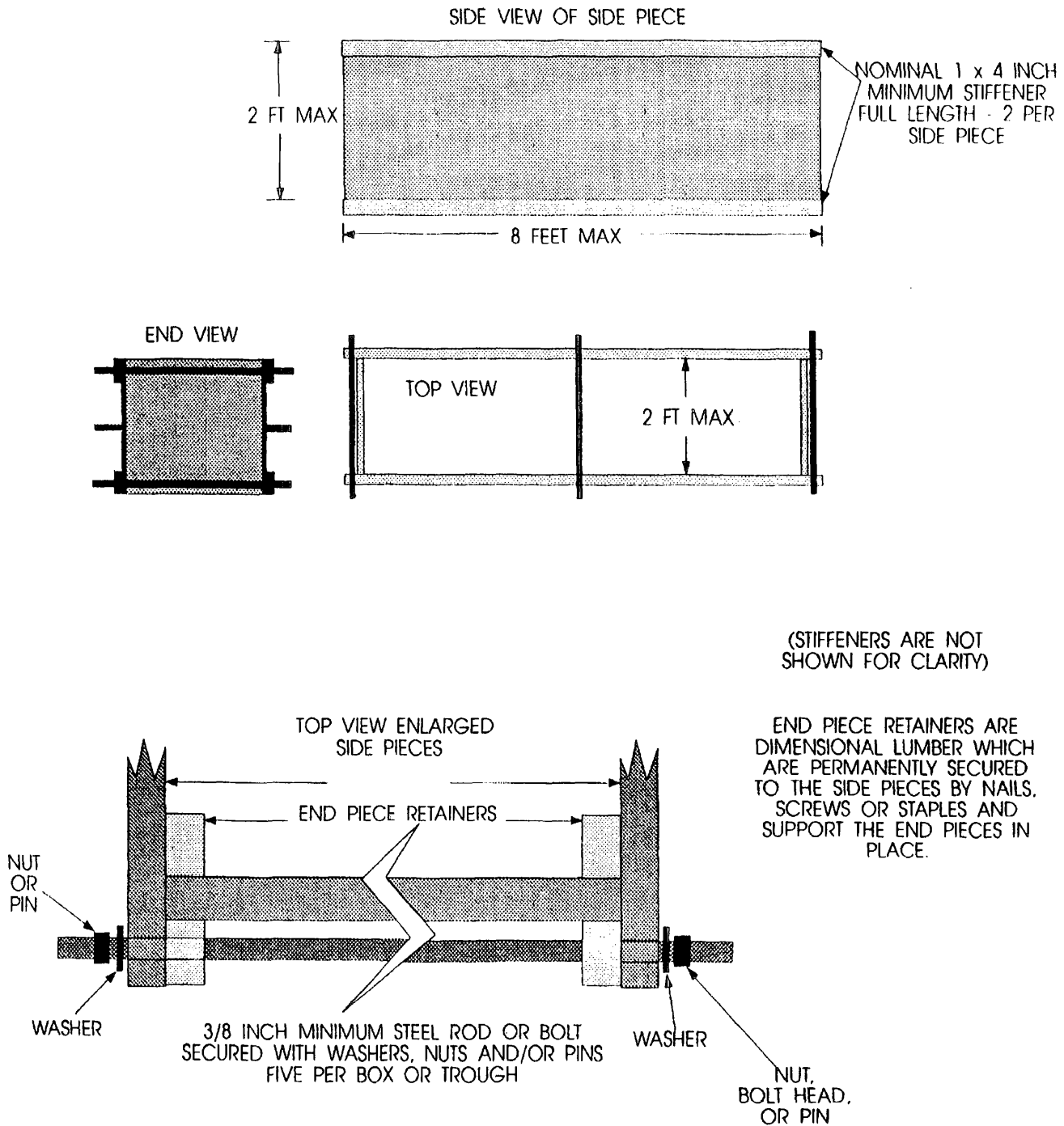
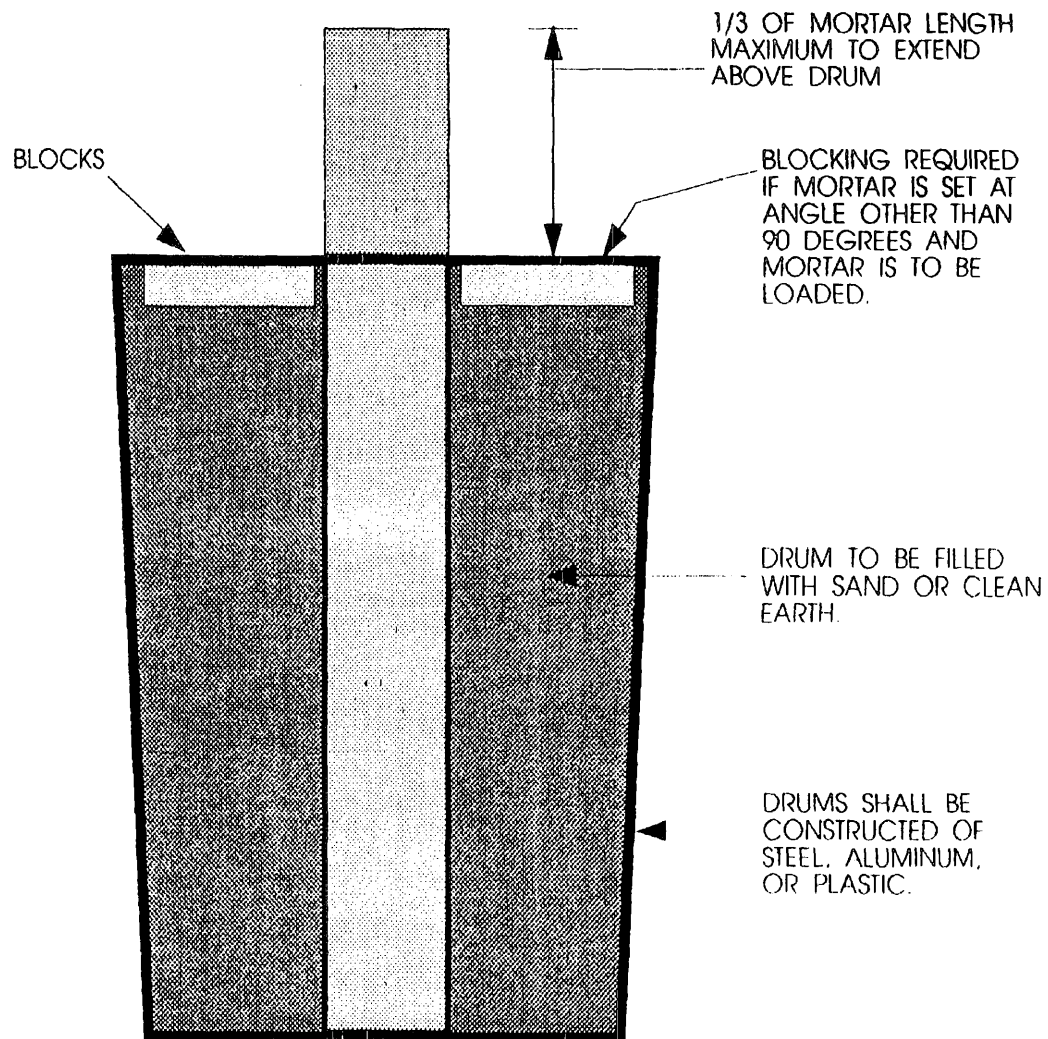


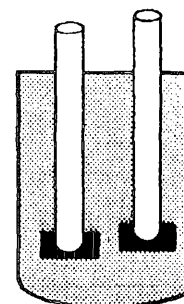
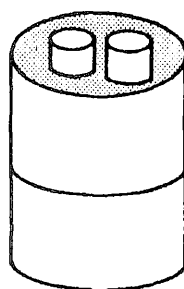
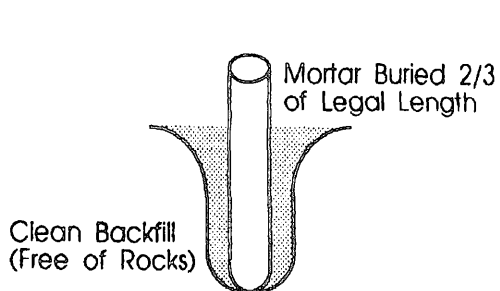
DIAGRAM C

DIAGRAM OF A TYPICAL DRUM SETTING



Buried setting

Drum Setting



§ 1003. Operation of Display.

(a) General.

(1) All fireworks at a display site shall be stored in a place and manner secure from fire, accidental discharge, and theft. All storage shall be approved by the authority having jurisdiction.

(2) Shells shall be sized for proper fit and for damaged lift charge bags, lead fuse tears, tears in the piping of the quick match leaders, and missing safety caps.

(3) Safety caps protecting the fuse shall not be removed until firing or electric hookup.

(b) Ready Boxes.

(1) Shells used for reloading shall be placed in ready boxes prior to the start of the display.

(2) Ready boxes shall not be located less than 25 feet upwind from the nearest mortar prior to any firings.

(3) Ready boxes shall be divided into separate compartments for each shell size.

(4) When containing shells, ready boxes shall be set with the bottom facing the mortars with the front elevated, or set on the bottom with the hinges towards the mortar, providing the lid cannot be opened fully.

(5) Once in place, the ready box shall be covered with a flame-resistant water-repellant canvas cover.

(c) Loading Mortars.

(1) At no time shall any person place any part of their body over the mortar muzzle during loading or firing.

(2) Mortars shall be cleaned of debris or burning material prior to loading, and prior to reloading, as necessary.

(3) Mortar racks may be reloaded with non-chained single-break shells when there is no longer any burning material in the racks.

(4) Finale racks shall have tape placed over the mortar muzzles when loaded with finale chained shells.

(5) Salutes and detonating shells shall not be fired from steel mortars.

(6) Multiple-break shells that include a salute as one of the breaks shall be fired from HDPE mortars only.

(d) Firing.

(1) All firing shall be done upon order or signal of the licensed pyrotechnic operator controlling the display.

(2) Electric firing, if utilized, shall comply with all of the requirements of Article 13.5 of this chapter.

(3) Upon conclusion of firing, no unauthorized person shall be permitted access to the firing area until the licensed pyrotechnic operator has determined the area to be safe and secure.

(4) Electric firing shall be required for all mortars eight inches (8") or greater in diameter.

(e) Ground Effects.

(1) Set pieces, wheels, and mechanical devices shall be braced, guyed and securely attached or set as required to prevent displacement.

(2) Low level Roman Candles, multiple batteries and projectiles shall be securely set to prevent accidental displacement.

(f) Duds.

(1) The licensed pyrotechnic operator shall account for and retrieve all duds immediately following the display.

(2) The entire firing range shall be inspected immediately following the display to locate any duds. Any shells found shall be immediately doused with water before handling. The shell shall then be placed in a separate container filled halfway with water.

(g) Misfires.

(1) When a shell misfires, and the fuse has burned, but the lift change has not functioned, the mortar shall be identified and marked, and left undisturbed for a minimum of 5 minutes, then filled halfway with water.

(2) When the shell misfires due to electric malfunction, and the fuse has not yet burned, the shell shall be removed and stored pursuant to the permit.

(3) When the display is concluded, the misfired shell shall be placed in a safe area pursuant to the permit.

(h) Unfired shells, including duds and misfires, must be removed immediately following the display and returned directly to the wholesaler/manufacturer unless provision has been made for storage and/or destruction with the authority having jurisdiction.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Repealer of former section 1003 and new section filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.

2. Emergency language repealed by operation of law. Repealer of former section 1003 and new section filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1004. Safety Tools and Equipment.

(a) Tools required at the display site shall be, at a minimum, a shovel, a serviceable pressurized water fire extinguisher, a bucket or other container to soak duds, and any other equipment as required by the authority having jurisdiction.

(b) Any person manually discharging aerial shells shall wear at a minimum a hard hat, eye protection, long sleeved shirt, gloves, long pants, and shoes or boots, and have available ear protection, as required by the authority having jurisdiction.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Repealer of former section 1004 and new section filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.

2. Emergency language repealed by operation of law. Repealer of former section 1004 and new section filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1005. Post Display.

(a) Reports.

(1) Within ten (10) working days following any public display, the licensed pyrotechnician in charge of the display shall submit a complete, accurate and factual written report directly to the State Fire Marshal, covering:

(A) A brief report of any duds or misfires including manufacturer's name, type and size;

(B) A brief account of the cause of injury to any person from fireworks and such person's name and address;

(C) A brief account of any fires caused by fireworks;

(D) Any violations of the Health and Safety Code or of these regulations relating to public display fireworks; and

(E) The names of all licensed and unlicensed assistants.

EXCEPTION: A general public display licensee conducting special effects activities for motion picture, television, and theatrical productions need not comply with the requirements of subsections (A) and (E).

(b) Notification.

Verbal reports are required within 24 hours to the State Fire Marshal when any of the following occur:

(1) Fire requiring emergency action or response as a result of the firing; or

(2) Injury or death to the public or crew.

Within ten (10) working days following an incident giving rise to a verbal report, the licensed pyrotechnician in charge of the activity shall submit a complete, accurate and factual report directly to the State Fire Marshal on the event.

(c) Unfired Shells. Unfired shells shall either be removed following the display and returned directly to the wholesaler or supplier or stored in a manner approved by the authority having jurisdiction until such time as the shells can be transported directly to the wholesaler or supplier.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Repealer of former section 1005 and new section filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.

2. Emergency language repealed by operation of law. Repealer of former section 1005 and new section filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1006. Smoking.

No person shall smoke in any area where fireworks are handled or stored.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Repealer of former section 1006 and renumbering and amendment of section 1014 to section 1006 filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Repealer of former section 1006 renumbering and amendment of former section 1014 to section 1006 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1007. Operator in Charge.

NOTE: Authority cited: Section 11349.1, Government Code. Reference: Section 11349.1, Government Code.

HISTORY

1. Repealer filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1008. Duds.

NOTE: Authority cited: Section 11349.1, Government Code. Reference: Section 11349.1, Government Code.

HISTORY

1. Repealer filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1009. Magazine Tenders.

NOTE: Authority cited: Section 11349.1, Government Code. Reference: Section 11349.1, Government Code.

HISTORY

1. Repealer filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).
3. Editorial correction deleting extraneous NOTE and HISTORY (Register 95, No. 23).

Article 16. Experimental Rockets/Unlimited

§ 1010. General.

This article applies to all rockets except approved model rockets as defined in Article 14 and experimental high power rockets and experimental high power rocket motors as defined in Article 2.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Repealer filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Repealer of section 1010, amendment of article heading and renumbering and amendment of former section 1017 to section 1010 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1011. Test Areas.

(a) Experimental rockets unlimited shall not be launched within this State from any site other than test areas approved for such purpose by the fire authority having jurisdiction.

(b) These test areas shall meet the following minimum requirements:

- (1) Test areas shall consist of a launching site and an impact range.

(2) The launching site is that area immediately surrounding the launching devices, including positions to protect all personnel.

(3) The impact range is that area over which rockets may travel by design or accident and upon which they fall. Its length should be not less than the maximum calculated ideal ballistic range of any rocket to be fired from its launching site and extends as the radius of a circular sector 90 from the launching site apex into the prevailing wind.

(c) Test areas should include no dwellings or structures other than those provided for operating and nonoperating personnel protection and loading rockets.

(d) Operating personnel protection shall consist of a bunker, blockhouse or similar protection designed to withstand shrapnel and mass impact equal to the potential created by the heaviest rocket intended to be fired, and falling from its zenith or exploding at any point. This bunker when located not less than 50 feet distant from the launching device shall afford minimum protection equal to a 2-foot wide slit trench not less than 5 feet deep and parapet observation ports with protection equal to a double thickness of sand bags. Overhead protection should consist of substantial structural materials, and these materials shall be covered to afford protection equivalent to that of a double layer of filled sand bags. Non-operating personnel minimum protection when located not less than 250 feet distant from the launching device shall consist of construction at least equal to the slit trench shelter described above.

(e) Rocket loading facilities shall be housed in a lightly constructed and covered structure located not less than 100 feet distant from any other structure including any launching device.

Within this State, all fuel or propellant compounding or loading of experimental rockets unlimited shall be performed by licensed pyrotechnic operators or by experienced persons directly supervised by these pyrotechnic operators.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Repealer filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Repealer of section 1011 filed and renumbering and amendment of former section 1018 to section 1011 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1012. Rocket Launchers.

Rocket launchers shall have a length sufficient to insure stabilization to any rocket fired from them and shall be constructed of appropriate material such as metal or rigid flame-resistant plastic and designed for the specific intended purpose and use. Special protection shall be provided for persons setting and arming all rockets. The use of any two rail, "V" or "U" trough launcher, which depends solely on gravity to control the rocket during launching is prohibited.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Repealer filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Repealer of section 1012 and renumbering and amendment of former section 1019 to section 1012 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1013. Setting Rocket Launchers.

All adjustments and alignments of the rocket launcher and connections shall be completed before the rocket is armed. Final rocket launcher adjustments shall be checked by the licensed pyrotechnic operator in charge.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Repealer filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.

2. Emergency language repealed by operation of law. Repealer of section 1013 and renumbering and amendment of former section 1020 to section 1013 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1014. Firing Procedure.

A definite ordered firing procedure shall be established by the licensed pyrotechnic operator in charge. Both visible and audible signals shall be used to alert all persons in the test area. Any launch or firing code used shall be reduced to writing and posted conspicuously in the test area.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Renumbering and amendment of section 1014 to section 1006 filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Renumbering and amendment of former section 1014 to section 1006 and renumbering and amendment of former section 1021 to section 1014 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1015. Launching Rockets.

(a) Rockets may not be armed or launched except by an experienced pyrotechnic operator, who, if he or she is not licensed, shall be directly responsible to the licensed pyrotechnic operator in charge. The actual arming operation shall be accomplished by a competent person. During all arming operations all personnel shall take shelter when launching, excepting only the individual arming the rocket and his or her necessary assistants.

All internal self-contained firing circuits (within the rocket) including, but not by way of limitation, multiple stage ignition, parachute releases, bursting charges, etc., shall be provided with an arming and disarming device operable remotely from without the assembled rocket in the launching position.

(b) The firing circuit shall be shunted at both the control center and the launching site by the pyrotechnic operator assigned to arm the rocket. Both shunts shall be in place and he or she shall test them to insure that the firing circuit is effectively short circuited, before the rocket is set in the launching position.

(c) The single special key, which removes the launching site shunt from the firing circuit, shall be the sole means for completing the firing circuit at the control center. The arming operator shall retain the shunt key in his or her personal possession from the time the circuit is initially shunted until the arming operations are completed and he or she removes the last shunt in the control center and establishes a ready firing circuit.

(d) No other means or device than a remotely controlled electric circuit of an approved design may be used to launch single stage rockets or the first stage of multistage rockets.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Repealer filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Repealer of section 1015 and renumbering and amendment of former section 1022 to section 1015 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).
3. Editorial correction of subsection (a) (Register 95, No. 23).

§ 1016. Reports.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Repealer filed 6-26-91 as an emergency; operative 6-26-91 (Register 91, No. 48). A Certificate of Compliance must be transmitted to OAL by 10-24-91 or emergency language will be repealed by operation of law on the following day.
2. Emergency language repealed by operation of law. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1017. General.

HISTORY

1. Renumbering and amendment of former section 1017 to section 1010 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1018. Test Areas.

HISTORY

1. Renumbering and amendment of former section 1018 to section 1011 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1019. Rocket Launchers.

HISTORY

1. Renumbering and amendment of former section 1019 to section 1012 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

Article 17. Model Rockets

§ 1020. General.

Nothing in this article is intended to regulate the sale or the construction of model rockets, provided that such model rockets are not equipped with a model rocket motor.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 1020 to section 1013, amendment of article heading and renumbering and amendment of former section 1024 to section 1020 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1021. Classification and Labeling.

All types of model rocket motors shall be submitted to the State Fire Marshal by a licensed model rocket motor manufacturer, importer/exporter, or wholesaler for classification. A copy of a certificate of classification indicating the item has been classified as a model rocket motor by a laboratory approved by the Department of Transportation shall accompany the request for classification by the State Fire Marshal. Three samples of each motor type shall be submitted to the State Fire Marshal for classification. Standards for the classification of model rocket motors shall conform to the National Fire Protection Association (N.F.P.A.) 1122 (1987), Code for Unmanned Rockets, Sections 3-1.1, 3-1.2, 3-1.3, 3-1.4, 3-1.5, 3-1.6, 3-1.7, 3-1.8, 3-1.9, 3-1.10.

(b) Individual engines shall bear the California State Fire Marshal seal and the registration number of the licensee.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12552, 12560 and 12565. Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 1021 to section 1014 and renumbering and amendment of former section 1027 to section 1021 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1022. Model Rocket Standards and Use.

(a) Model rocket standards and use shall comply with: N.F.P.A. 1122, the Code for Unmanned Rockets, Chapter 3, Sections 3-1.1 through 3-1.10, Chapter 4, Chapter 5, Chapter 6, and Appendix A-2-(1987), which is incorporated by reference herein except for Appendices A-2.3 and A-2.4.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 1022 to section 1015 and renumbering and amendment of former section 1028 to section 1022 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1023. Storage and Sale.

No model rocket motors shall be stored, sold or offered for sale at retail unless such model rocket motors have been classified by the California State Fire Marshal.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Repealer of section 1023 and renumbering and amendment of former section 1030 to section 1023 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1024. Restrictions.

The provisions of this article shall not be used to establish the authority to possess, launch or use experimental unlimited or experimental/high powered rocket motors.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 1024 to section 1020 and renumbering and amendment of former section 1031 to section 1024 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1025. Authorization.

(a) No model rocket user shall launch any model rocket motor from any site without first securing authorization from the authority having jurisdiction. The authority having jurisdiction may require notification each time that model rockets are to be launched.

(b) It shall be the responsibility of the model rocket user to secure permission of the owner of private lands when such land is intended to be used to launch model rockets.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Repealer of section 1025 and renumbering and amendment of former section 1034 to section 1025 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1026. Revocation of Permits and Authorized Use of Launching Area.

The authority having jurisdiction may immediately revoke a permit to sell model rocket motors at retail if it is found that those persons granted a permit have violated these regulations. The authority having jurisdiction may immediately revoke its authorization to use a firing area if it is found that an undue hazard exists, including, but not limited to, fire safety hazards or life safety hazards.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Repealer of section 1026 and renumbering and amendment of former section 1035 to section 1026 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1027. Minimum Age.

(a) No model rocket motors shall be sold, given, or delivered to any person under 18 years of age.

EXCEPTIONS: (1) Model rocket motors bearing the standardized coding 1/4A, 1/2A, A, B, C, and D may be sold, given, or delivered to any person 14 years of age or older.

(2) Persons who are 12 years of age or older and who are taking part in a model rocket education program may receive model rocket motors and launch approved model rockets when under the direct supervision and control of a person 18 years of age or older. Model rocket motors must be obtained only from the adult in charge of the launching. Approved model rocket motors for this exception shall bear the motor coding 1/4A, 1/2A, A, B, C, or D.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Amendment filed 3-14-85; effective upon filing pursuant to Government Code section 11346.2(d) (Register 85, No. 11).
2. Editorial correction of subsection (b) filed 3-14-85; effective upon filing pursuant to Government Code section 11346.2(d) (Register 85, No. 11).
3. Renumbering and amendment of former section 1027 to section 1021 and renumbering and amendment of former section 1036 to section 1027 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1028. Supervision.

The permittee shall be responsible for the safety of all spectators and other persons connected with the launching of model rockets.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 1028 to section 1022 and renumbering and amendment of former section 1042 to section 1028 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1029. Use.**HISTORY**

1. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

Article 18. Experimental High Power Rockets and Motors

§ 1030. General.

This article is intended to regulate the sale, storage, construction and use of experimental high power rocket motors and experimental high power rockets.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 1030 to section 1023 and new article heading and section filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1031. Classification and Labeling.

(a) All types of experimental high power rocket motors shall be submitted by a licensed experimental high power rocket motor manufacturer, importer/exporter, or wholesaler to the State Fire Marshal for classification.

(b) All motors shall bear the State Fire Marshal seal and the registration number of the licensee. Classified motors contained within packages may have the State Fire Marshal seal and registration number on the package, provided that such packages are sealed.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 1031 to section 1024 and new section filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1032. Experimental High Power Rocket Motor Standards and Use.

(a) Experimental high power rocket motor design and construction standards shall comply with all of the following:

(1) The maximum total impulse per rocket motor shall not exceed 10,240 Newton-seconds (2302.2 lb.-seconds).

(2) When more than one rocket motor is utilized, the combined total impulse shall not exceed 20,480 Newton-seconds (4604.4 lb.-seconds).

(b) If an experimental high power rocket is equipped with an experimental high power rocket motor, then the rocket shall:

(1) be constructed of paper, plastic, rubber, aluminum or wood except that minor components such as screw eyes or motor mounts may be of other light-gauge metals; and

(2) include an effective means or device for returning the rocket safely to the ground without causing personal injury or property damage; and

(3) The rocket shall not contain any type of explosive or pyrotechnic warhead of any type.

(c) An experimental high power rocket shall not be used as a weapon.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Repealer and new section filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1033. License Required.

No person shall possess, receive, transport, store, or launch any experimental high power rocket motor without first securing a valid license as a Pyrotechnic Operator—Rockets First, Second, or Third Class from the State Fire Marshal. No person shall sell an experimental high power rocket motor to any person unless the seller possesses a valid license as a wholesaler or retailer under this chapter.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Repealer and new section filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1034. Local Permit Required—Seller.

No person shall sell an experimental high power rocket motor without first securing a permit from the authority having jurisdiction. This permit shall be in addition to, not in lieu of, a valid license issued by the State Fire Marshal for the sale of these motors. This permit shall be deemed separate from a local permit allowing the launching of rockets utilizing such motors.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 1034 to section 1025 and new section filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1035. Local Permit Required—Launch.

(a) No experimental high power rocket motor user shall launch any experimental high power rocket motor from any site without first securing a permit from the authority having jurisdiction.

(b) The authority having jurisdiction may require notification by the permittee each time an experimental high power rocket motor is to be launched. It shall be the responsibility of the experimental high power rocket motor user to also secure the permission of the owner of private land when such land is intended to be used as a launch site.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 1035 to section 1026 and new section filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1036. Launching Facilities.

(a) Experimental high power rocket motors shall be launched from platforms meeting the following specifications:

(1) A launch guide (tube, rod, tower or other suitable device) shall be used to restrict the horizontal motion of the rocket until flight velocity sufficient to maintain stability during flight is achieved.

(2) A launch angle of not more than twenty degrees (20°) from the vertical shall be used.

(b) Rocket motor launching shall be by remote electrical means only, and under the supervision and control of an individual properly licensed in accordance with this chapter.

(c) Surface wind at the launch site shall not exceed twenty miles per hour (20 m.p.h.), and visibility above the launching area shall be at least five thousand feet (5,000 ft.).

(d) The recovery device wadding ejected from the rocket during the launch flight sequence, if used, shall be of flame retardant material meeting the standards of Title 19, California Code of Regulations, Chapter 8, Sections 1171 through 1355.

(e) Experimental high power rocket motors shall be launched only during daylight hours unless specifically approved by the authority having jurisdiction.

(f) All personnel, including those conducting the actual launching of the experimental high power rocket motor(s), shall maintain a clear radial distance from the launch platform during the countdown and launch, pursuant to the guidelines in Table 18A.

TABLE 18A**REQUIRED LAUNCH DISTANCES**

<i>Total Impulse of Rocket</i>	<i>Radial Distance From Launcher</i>
0-320 Newton-Seconds*	30 feet
320.01-1280 Newton-Seconds*	150 feet
1280.01-2560 Newton-Seconds*	200 feet
2560.01-5120 Newton-Seconds*	300 feet
5120.01-10240 Newton Seconds*	500 feet
10241-20480 Newton Seconds*	1000 feet

*Rockets propelled by clusters of motors shall use the distance specified for the next higher impulse category.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 1036 to section 1027 and new section filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1037. Launch Site Standards.

(a) The launch site shall consist of a launching area and a recovery area. The launching area shall consist of an area surrounding the launching devices a radial distance from the launching device as specified in Table 18A above. The recovery area shall consist of the launching area and the minimum area necessary to retrieve the rocket, based on the estimated altitude likely to be achieved by the rocket. These calculations shall take into account the weight of the rocket and the specific type of motor used (or combined total impulse). Table 18B shall be used to determine the minimum launch site dimensions for the various classes of experimental high power rockets.

(b) The launch site shall not be located in any grain field, dry grass, brush- or forest-covered lands.

(c) The launch site shall not contain any buildings or structures, unless specifically approved in advance by the authority having jurisdiction, and under no circumstances shall such buildings or structures be less than one thousand five hundred feet (1,500 ft.) from the launch site.

(d) The launch site shall not contain any high voltage electrical lines or major highways.

(e) The launch site shall not contain any natural or artificially constructed obstacle deemed by the authority having jurisdiction to pose a hazard during launching.

(f) The launching area shall be located as near as possible to the center of the launch site but in no case less than seven hundred fifty feet (750 ft.) from the boundary of the launch site.

(g) The launching area shall have appropriate barriers around it such that spectators will be restrained from encroaching upon it. These barriers may be of any type approved by the authority having jurisdiction.

TABLE 18B**MINIMUM EXPERIMENTAL HIGH POWER
ROCKET MOTOR LAUNCH SITE STANDARDS**

<i>Equivalent Motor Type</i>	<i>Maximum Combined Total Impulse (N-Seconds)</i>	<i>Minimum Launch Site Dimensions (feet)</i>
H	320	1,500
I	640	2,500
J	1,280	3,500
K	2,560	5,000
L	5,120	7,000
M	10,240	10,000
N	20,480	15,000

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Repealer and new section filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1038. Testing.

At locations approved by the authority having jurisdiction, experimental high power rocket motors may be ignited on the ground for the purpose of determining their performance. All of the following procedures shall be followed during the firing of these motors:

(a) The experimental high power rocket motor shall be affixed to a testing device or to an immovable structure in such a manner that the motor will not work itself free during the testing or the experimentation process.

(b) The experimental high power rocket motor shall be ignited only by remotely operated electrical means fully under the control and supervision of the licensed pyrotechnic operator conducting the testing or experimentation.

(c) The exhaust path of the motor shall be cleared of all flammable objects prior to its firing.

(d) All persons, whether they are conducting, participating in or observing the testing or experiment, shall stand away from the motor, and particularly its exhaust path, at all times during the test or experiment.

(e) Under no circumstances shall testing or experimentation of experimental high power rocket motors be conducted indoors.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Repealer and new section filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1039. Supervision and Responsibility.

The licensed pyrotechnic operator in charge of the launch site or test sites shall supervise the arming of every experimental high power rocket motor, the launching of all motors, and the disposal of all unwanted or defective motors. The licensed pyrotechnic operator shall also be responsible for the safety of all spectators or observers and all other persons connected with the launching of experimental high power rocket motors.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Repealer and new section filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1040. Launch Site Standards.

HISTORY

1. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1041. Testing.

HISTORY

1. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1042. Supervision.

HISTORY

1. Renumbering and amendment of former section 1042 to section 1028 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

Article 19. Emergency Signaling Devices

§ 1043. General.

HISTORY

1. Renumbering of article heading and repealer of section filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1044. Sale, Distribution, and Use.

HISTORY

1. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1045. Fire Hazard.

Whenever the authority having jurisdiction declares that the use of an emergency signaling device would create a fire hazard, no emergency signaling device shall be used regardless of its indicated registration and labeling. This prohibition shall continue as long as the fire hazard condition exists in the specific area, as determined by the authority having jurisdiction.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

HISTORY

1. Repealer of section 1045 and renumbering of former section 1046 to section 1045 filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1046. License Required.

Manufacturers of emergency signaling devices whose manufacturing operations take place in California must possess a valid fireworks manufacturing license from the State Fire Marshal to manufacture emergency signaling devices.

NOTE: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12526, 12552 and 12571, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 1046 to section 1045 and new section filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1047. Labeling.

HISTORY

1. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1048. Prohibited Use.

HISTORY

1. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1049. Registration.

NOTE: Authority cited: Sections 12552, 12560, 12565 and 12632, Health and Safety Code. Reference: Section 12632, Health and Safety Code.

HISTORY

1. Amendment filed 3-14-85; effective upon filing pursuant to Government Code section 11346.2(d) (Register 85, No. 11).
2. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1050. Denial of Registration.

HISTORY

1. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1051. Notice of Denial.

HISTORY

1. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1052. Statement of Issues.

HISTORY

1. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

§ 1053. Suspension or Revocation of Registration.

HISTORY

1. Repealer filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

Chapter 7. Flammable Fabrics Standards

Article 1. Standards of Flammability, Wearing Apparel

§ 1121. TRIS.

(a) The chemical known as "TRIS" (2,3-dibromopropyl) phosphate is prohibited for use with wearing apparel.

NOTE: Authority cited: Section 19821, Health and Safety Code. Reference: Section 19821, Health and Safety Code.

HISTORY

1. New Subchapter 7 (Sections 1101-1159) filed 11-15-46; designated effective 1-6-47 (Register 6).
2. Amendment of title of Subchapter 7 filed 3-2-79; effective thirtieth day thereafter (Register 79, No. 9).
3. Repealer of Part 1 (Sections 1101-1159) and new Part 1 (Sections 1100-1121, not consecutive) filed 3-2-79; effective thirtieth day thereafter (Register 79, No. 9).
4. Repealer of Part 1 (Article 1, Sections 1100-1104) and (Article 3, Section 1120); repealer of Part 2 (Article 12, Sections 1160, 1160.1, 1160.2, 1160.4, 1160.6), (Article 13, Section 1160.11) and (Article 14 heading); redesignation and amendment of Article 3 (Section 1121) to Article 1; redesignation and amendment of Article 12 (Sections 1160.3 and 1160.5) to Article 2; and redesignation and amendment of Article 13 (Section 1160.10) and Article 14 (Sections 1160.15 and 1160.16) to Article 3 filed 4-17-85; effective thirtieth day thereafter (Register 85, No. 16). For prior history, see Register 75, No. 51.

Article 2. Hospital Fabrics

§ 1160.3. Scope.

These regulations apply to fabric and fabric-like materials used as examination gowns, sleepwear, robes sheets and pillowcases and used in all hospitals as defined herein.

EXCEPTIONS: Fabrics or fabric-like materials which are the personal property of patients.

NOTE: Authority cited: Section 19818, Health and Safety Code. Reference: Section 19818, Health and Safety Code.

§ 1160.5. Definitions.

(a) Fabric and fabric-like. Materials formed of fibers or yarns, either natural or synthetic, knitted, felted, bonded, woven, or non-woven; and flexible film or sheeting formed of synthetic resins, supported or unsupported

(b) Hospital. An acute general hospital, (general acute care hospital), acute psychiatric hospital, skilled nursing facility or intermediate care facility.

(c) Items. Examination gowns, robes, sleepwear, sheets or pillowcases made of fabric or fabric-like material.

NOTE: Authority cited: Section 19818, Health and Safety Code. Reference: Section 19818, Health and Safety Code.

Article 3. Criteria of Acceptance

§ 1160.10. General.

(a) Examination Gowns and Sleepwear. Fabric or fabric-like material in examination gowns and sleepwear shall be tested in accordance with the provisions of Chapter 4, Standard Number 702-1975 of the National Fire Protection Association and shall have an average time of burning of 8.0 seconds or more.

EXCEPTIONS:

- (1) Smooth-surfaced fabrics (without nap or pile) weighing 4.0 ounces per square yard or more. Weight shall be determined in accordance with ASTM D1910.
- (2) Items need not be preconditioned as specified in Sections 3-2 and 4-1 of Standard 702 if they are intended to be used only once and discarded, not intended to be washed or laundered, and are labeled accordingly.

(b) Sheets and Pillowcases. Fabric or fabric-like material in sheets and pillowcases shall have an average time of burning of 7.0 seconds or more when tested in the manner specified in this section.

EXCEPTIONS:

- (1) Smooth-surfaced fabrics (without nap or pile) weighing 3.2 ounces per square yard or more. Weight shall be determined in accordance with ASTM D1910.
- (2) Items need not be preconditioned as specified in Sections 3-2 and 4-1 of Standard 702 if they are intended to be used only once and discarded, not intended to be washed or laundered, and are labeled accordingly.

(c) Sleepwear and Robes. Children's sleepwear and robes shall meet the flammability standards adopted in Title 16, CFR, Chapter II, Subchapter D. Adult clothing including robes shall meet the flammability standards adopted in Title 16, CFR, Chapter 11, Subchapter D.

NOTE: Authority cited: Section 19818, Health and Safety Code. Reference: Sections 19810-19818, Health and Safety Code.

§ 1160.15. Labeling.

All packages or containers of items purchased for use in any hospital shall be labeled to indicate conformance with the applicable Criteria of Acceptance set forth in Article 2.

NOTE: Authority cited: Section 19818, Health and Safety Code. Reference: Section 19818, Health and Safety Code.

§ 1160.16. Certification.

Manufacturers of items may be required to furnish substantiation of conformance in a form satisfactory to the inspection authority, such as

a formal certification, or may be required to furnish a copy of the test report from a qualified testing laboratory.

Chapter 8. Regulations Relating to Flame-Retardant Chemicals, Fabrics and Application Concerns

Article 1. Title, Purpose and Scope

§ 1171. Title.

These rules and regulations shall be known as the "Rules and Regulations of the State Fire Marshal," may be cited as such, and will be referred to herein as "these rules and regulations."

NOTE: Sections 1171 to 1355, inclusive, issued under authority contained in Sections 13120 and 13126, Health and Safety Code.

HISTORY

1. New Sections 1171 to 1355, inclusive, filed 11-21-47, designated to be effective 12-22-47 (Register 10, No. 3).

§ 1172. Purpose.

These rules and regulations have been prepared and adopted for the purpose of establishing minimum standards for the prevention of fire and for the protection of life and property against fire and panic through the use of flame-retardant chemicals, fabrics and materials.

§ 1173. Scope.

These rules and regulations shall govern the manufacture, sale and application of flame-retardant chemicals used in connection with fabrics or materials required to be treated and maintained in a flame-retardant condition as provided in Sections 13115 or 13111 of the Health and Safety Code. These rules and regulations shall also apply to fabrics or materials inherently nonflammable and, they shall also establish minimum fire-resistant standards for such fabrics or materials.

These rules and regulations shall also establish minimum standards and specific procedures for the approval of flame-retardant chemicals, flame-retardant materials and flame-retardant applicator concerns.

NOTE: Authority cited: Section 13120, Health and Safety Code. Reference: Sections 13100 through 13132, Health and Safety Code.

HISTORY

1. Amendment filed 3-1-67 as procedural and organizational; effective upon filing (Register 67, No. 9).
2. Amendment filed 3-2-79; effective thirtieth day thereafter (Register 79, No. 9).

[The next page is 83.]

§ 1174. Basis.

These rules and regulations are based upon the presumption of fact that fabrics and similar materials commonly known to be flammable increase, or may cause the increase of, the hazard or menace of fire; that proper and adequate flame-retardant treatment through the use of certain chemicals is possible whereby the danger to life and property from fire and panic can be materially reduced; and, that there do exist certain fabrics and materials which by nature are nonflammable.

HISTORY

1. Editorial correction of section number (Register 94, No. 9).

§ 1175. Local Ordinances.

Nothing contained in these rules and regulations shall be considered as abrogating the provisions of any ordinance, rules or regulations of any city, city and county, county or political subdivision nor will they prohibit the enactment of more stringent regulations by these political subdivisions.

§ 1176. Basic Characteristics and Test Standards.

The quality of resistance to ignition and combustion shall be the primary feature of the test standards, but such other factors as the effect of the chemicals on materials being treated and the probable life of the flame-retardant quality shall also be given due consideration.

Test standards shall be those adopted and developed through research by the State Fire Marshal and shall include, but not by way of limitation, means for determining weight gain, effects of weathering, breaking strength, aging, flexibility, crocking, neutrality (pH), appearance, settling and any other test found necessary to insure requisite qualities.

NOTE: Authority cited: Section 13120, Health and Safety Code. Reference: Sections 13100–13132, Health and Safety Code.

HISTORY

1. Amendment filed 3–2–79; effective thirtieth day thereafter (Register 79, No. 9).

§ 1177. Notices.

Any notice required to be given to any person by any provisions of the statute or of these rules and regulations may be given by mailing such notice, postage prepaid, addressed to the person to be notified, at his last place of residence or business as it appears in the records of the State Fire Marshal.

HISTORY

1. New section filed 11–21–47; designated to be effective 12–22–47 (Register 10, No. 3).
2. Amendment filed 9–1–50; effective 30th day thereafter (Register 21, No. 5).

§ 1177.1. Change in Location.

Any change in the location or ownership of any flame-retardant application concern, any manufacturer of any flame-retardant chemical, fabric, or material, or any other person or concern whose name or whose product is approved for listing on the State Fire Marshal's approved list of flame-retardant chemicals, fabrics, materials and application concerns shall be reported in writing at the office of the State Fire Marshal within seven (7) days after the change by the person who is the owner after the change.

HISTORY

1. New section filed 9–1–50; effective 30th day thereafter (Register 21, No. 5).

§ 1178. Constitutionality.

If any provision of these rules and regulations, or the application thereof to any person or circumstance, is held invalid, the remainder of the rules and regulations or the application of such provision to other persons or circumstances, shall not be affected thereby.

§ 1179. Fees.

- (a) Original or Annual Renewal Registration of any Single Flame Retardant Fabric or Material \$200.00
- (b) Original or Annual Renewal Registration of a Flame Retardant Chemical \$200.00
- (c) Original or Annual Renewal of a Flame Retardant Application Concern, General \$175.00

(d) Original or Annual Renewal of a Flame Retardant

Application Concern, Limited \$85.00

(e) Laboratory Fees:

Fabrics \$50.00

Chemicals \$50.00

General Applicator \$9.00

NOTE: Authority cited: Section 13127, Health and Safety Code. Reference: Sections 13125, 13127, 13128, 13129 and 13130, Health and Safety Code.

HISTORY

1. New section filed 2–26–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 9). For history of former Section 1179, see Register 79, No. 9.
2. Amendment of subsections (a)–(d) and new subsection (e) filed 9–15–89; operative 10–15–89 (Register 89, No. 38).

Article 2. Definitions**§ 1190. Applicator.**

"Applicator" as used herein means any person who engages in the application of flame-retardant compounds or chemicals to any fabric or material for the purpose of retarding the action of fire or flame on such fabric or material.

§ 1191. Approved.

"Approved" means approved by the State Fire Marshal.

§ 1192. Approved Laboratory.

"Approved Laboratory" as used herein means any commercial laboratory qualified and equipped to perform the tests required by these rules and regulations and which is approved for this purpose by the State Fire Marshal.

§ 1193. Chemical.

"Chemical" as used herein means flame-retardant chemical.

§ 1194. Concern.

"Concern" as used herein means any person, firm, association, organization, partnership, business trust, corporation, or company.

§ 1195. Flame-Retardant Application Concern.

"Flame-Retardant Application Concern" as used herein means any concern which engages in the application of flame-retardant compounds or chemicals. A flame-retardant application concern may employ a number of applicators. An individual applicator in business for himself shall be considered as a flame-retardant application concern.

§ 1196. Flame-Retardant Chemical.

"Flame-Retardant Chemical" as used herein means any chemical, chemical compound or chemical mixture which when properly applied to a fabric or material will render such fabric or material incapable of supporting combustion to the extent that it will successfully withstand the tests and meet the specifications promulgated by the State Fire Marshal.

§ 1197. Flame-Retardant Chemical, Exterior.

"Flame-Retardant Chemical, Exterior" as used herein means those flame-retardant chemicals which are intended to retain their flame-retardant properties when used on fabrics or materials which are exposed to weather conditions without means of protection from the elements.

§ 1198. Flame-Retardant Chemical, Interior.

"Flame-Retardant Chemical, Interior" as used herein means those flame-retardant chemicals intended to be used on fabrics or materials which are not subject to exposure to weather and need not of necessity be weather resistant.

§ 1199. Health and Safety Code.

"Health and Safety Code" as used herein means the Health and Safety Code of the State of California.

§ 1200. Manufacturer.

"Manufacturer" as used herein means any concern which shall manufacture, mix or compound one or more chemical substances and offer

such chemical, compound or mixture for sale or for use as a flame-retardant chemical, or any concern which shall market a flame-retardant or nonflammable fabric or material for use as drapes, hangings, curtains, drops or other similar decorative materials, or a flame-retardant canvas for use in tents.

§ 1201. Nonflammable Material.

"Nonflammable Material" as used herein means a fabric or material which is inherently flame-resistant to the extent that it will meet the requirements of the fire resistance test herein prescribed, but shall not include materials which must be chemically treated or processed after manufacture to make them flame-resistant.

§ 1202. Place of Public Assemblage.

"Place of Public Assemblage" as used herein means any occupancy mentioned in Sections 13115 or 13119 of the Health and Safety Code.

HISTORY

1. Amendment filed 3-1-67 as procedural and organizational; effective upon filing (Register 67, No. 9).

Article 3. Registration and Labeling of Chemicals

§ 1210. Chemical Registration.

Any chemical manufacturing concern desiring to have a chemical registered by the State Fire Marshal shall accompany its application with the laboratory test report, and the registration fee as provided in Section 13127 of the Health and Safety Code.

§ 1211. Standard Fabrics.

Persons wishing to submit a flame-retardant chemical for registration by the State Fire Marshal shall first obtain standard fabrics in accordance with the provisions of this section. For exterior chemicals a 10-ounce double filling grey duck (Federal Specification CCC-D-761, February, 1933) will be used, while for interior chemical a #250 cotton drill dyed blue Pontamine 4GLN (or its equivalent) color index #533 will be the standard.

Chemicals intended for the treatment of synthetics such as acetate, nylon, Orlon and Dacron, and various fiber mixtures, shall be tested as applied to appropriate fabrics made of such fibers or mixtures.

The concern submitting the sample for test may desire the standard exterior fabric before application of the chemical if it so desires. If this is done, however, the chemical will then be registered only for use on unsized or desized fabrics. This is based on the premise that a chemical which is effective on sized material will be at least equally effective on unsized material, but that the reverse is not necessarily true. If the concern desires to submit its chemical for test on desized material, the entire sample of standard fabric shall be desized before any portion of it is treated with chemical or cut for testing.

NOTE: Authority cited: Section 13120, Health and Safety Code. Reference: Sections 13100-13132, Health and Safety Code.

HISTORY

1. Amendment filed 8-28-62; effective thirtieth day thereafter (Register 62, No. 18).
2. Amendment filed 3-2-79; effective thirtieth day thereafter (Register 79, No. 9).

§ 1212. Test Costs.

Cost of laboratory tests shall be borne by the applicant seeking registration of any flame-retardant chemical.

The State Fire Marshal reserves the right to publish all or any portion of the laboratory test results.

§ 1213. Treating Test Fabrics.

The sample of standard fabric shall then be submitted to an approved laboratory, together with sufficient chemical to treat at least five yards of the fabric, and the necessary instructions for its proper application. The chemical shall be applied as per instructions, by a member of the labora-

tory staff, or may be applied by the person submitting the chemical in the presence of a member of the laboratory staff or a representative of the State Fire Marshal's Office. If the applicant so desires he may treat the test sample in his flame-retardant application plant in the presence of either the laboratory staff member or a representative of the State Fire Marshal. (See note.) Exterior chemicals shall be khaki color for testing.

§ 1214. Special Processes.

In cases where chemicals cannot be applied by spray, brush, or immersion, but must be applied by a specialized plant process, they shall be registered only for such method of application. Samples of both the treated and untreated fabric or material of sufficient size for test shall be submitted to an approved laboratory.

NOTE: Authority cited: Section 13120, Health and Safety Code. Reference: Sections 13100-13132, Health and Safety Code.

HISTORY

1. Amendment filed 3-2-79; effective thirtieth day thereafter (Register 79, No. 9).

§ 1215. Chemical Samples.

In all cases, a one gallon sample of the chemical or compound being tested shall be sent to the Office of the State Fire Marshal. This sample shall be identical in every respect with the material submitted for test. The sample shall bear a label stating, (1) the trade name of the chemical or compound, (2) the name and address of the manufacturer, (3) the approximate date of manufacture.

§ 1216. Scope and Extent of Approval.

Approval of chemicals to treat various fibers will be based on the following:

(a) Chemicals which meet all requirements as applied to standard exterior test fabric (Sections 1230 through 1239) will be approved for the treatment of any hard-surfaced cotton fabric such as duck, drill, twill, etc.

(b) Chemicals which meet all requirements as applied to standard interior cotton test fabric (Sections 1250 through 1263) will be approved for the treatment of any cotton fabric, plus linen, burlap, silk, wool, rayon, paper and Cellophane. Such chemicals may receive extended approval to treat additional fabrics as follows:

(1) Fiber Mixtures Containing Not Over 35 Percent Synthetics. Supplementary tests for Weight Increase * (Section 1260) and Fire Resistance (Section 1261), only, on each appropriate standard mixed fabric (Cotton-Rayon-Acetate, Cotton-Rayon-Nylon, Cotton-Rayon-Dacron, etc.) for which approval is desired.

(c) Chemicals which meet all requirements as applied to standard synthetic test fabrics (Sections 1263.1 through 1263.9) will be approved on the following basis:

(1) 100 Percent Synthetic (Acetate, Nylon, Dacron, Orlon, etc.). Tests shall be performed on each appropriate standard synthetic test fabric for which approval is desired.

(2) Fiber Mixtures Containing Over 35 Percent Synthetics. Supplementary tests on standard interior cotton test fabric for accelerated aging, synthetics (Section 1263.7), only.

HISTORY

1. New section filed 11-21-47; designated to be effective 12-22-47 (Register 10, No. 3).
2. Amendment filed 9-1-50; effective 30th day thereafter (Register 21, No. 5).
3. Repealer and new section filed 8-28-62; effective thirtieth day thereafter (Register 62, No. 18).

*NOTE: Report weight increase only, no limit specified.

§ 1216.1. Other Materials.

Chemicals intended for treating materials other than fabrics, such as compressed cellulose fiber, wooden and similar decorative materials, bast and leaf fibrous materials, brush and foliage, Christmas trees, etc., shall be tested as outlined in Section 1264 and its subsections.

HISTORY

1. New section filed 9-1-50; effective 30th day thereafter (Register 21, No. 5).

§ 1217. Permanent Chemicals.

The test requirements for color change, flexibility, and weight increase for "permanent" types of interior chemicals may be waived at the discretion of the State Fire Marshal.

Manufacturers of such chemicals or compounds may have the laboratory perform, along with the required tests, such additional tests as may serve to indicate the permanent nature of the flame-retardant treatment.

NOTE: Authority cited: Section 13120, Health and Safety Code. Reference: Sections 13100-13132, Health and Safety Code.

HISTORY

1. New section filed 11-21-47; designated to be effective 12-22-47 (Register 10, No. 3).
2. Amendment filed 9-1-50; effective 30th day thereafter (Register 21, No. 5).
3. Amendment filed 3-2-79; effective thirtieth day thereafter (Register 79, No. 9).

§ 1218. Test Results.

The results of the test shall be certified by the laboratory on a form prepared by the State Fire Marshal. The form shall contain the trade name of the chemical or compound, the name and address of the manufacturer and the test results.

§ 1219. Field Results.

Since laboratory tests of textile and other materials only approximate results of actual field use, continued listing of a registered chemical or fabric or material shall depend upon the ability of the chemical or fabric or material to prove satisfactory in actual use. Repeated field failure(s), regardless of laboratory test results, shall be presumed to result from chemical(s) or faulty application thereof.

§ 1220. Retests.

The State Fire Marshal may at his discretion require retests of the manufacturer's product to ascertain continued compliance with these rules and regulations.

§ 1221. Secondary Registrations.

A company desiring to have an already-registered chemical listed under the company's own trade or brand name may do so as follows:

(a) The manufacturer of the registered chemical shall certify in a letter to the State Fire Marshal that he agrees to furnish the registered chemical to said company for sale, distribution, or use under the new name.

(b) The concern shall certify in a notarized letter to the State Fire Marshal that the chemical or compound sold, distributed, or used under the new name shall always be identical in all respects to the original registered chemical.

(c) The company shall pay to the Office of the State Fire Marshal the original and annual renewal registration fee as prescribed by statute.

NOTE: Authority cited: Section 13120, Health and Safety Code. Reference: Sections 13100-13132, Health and Safety Code.

HISTORY

1. Amendment filed 3-2-79; effective thirtieth day thereafter (Register 79, No. 9).

§ 1222. Interior Types.

Registered interior flame-retardant chemicals shall be listed as "Type I" or "Type II," depending on the lasting qualities of the treatment. A "Type I" chemical shall impart a relatively permanent treatment to fabrics, and fabrics so treated must meet the requirements of the fire resistance test after at least three launderings and three dry cleanings. A "Type II" chemical shall be normal water soluble type, which is removed by laundering and by certain dry cleaning processes in which solutions of water and soap are added to the solvent.

NOTE: Authority cited: Section 13120, Health and Safety Code. Reference: Sections 13100-13132, Health and Safety Code.

HISTORY

1. Repealer of former Section 1222 filed 11-10-60; effective thirtieth day thereafter. For prior history see Register 21, No. 5. Former Section 1223 renumbered 1222 and amendment filed 11-10-60; effective thirtieth day thereafter (Register 60, No. 23).
2. Amendment filed 3-2-79; effective thirtieth day thereafter (Register 79, No. 9).

§ 1223. Containers Labels.

All containers of flame-retardant chemical used or intended for use in complying with Sections 13115, 13119 to 13130 inclusive, of the California Health and Safety Code, shall bear a facsimile of the California State Fire Marshal's Seal of Registration shown herein and in addition shall bear the registration number, the percentage of solids, and the flame-retardant chemical name exactly as approved and registered. Containers for interior chemicals shall bear the words "FOR INTERIOR USE ONLY" below the registered name.

For their own protection, chemical manufacturers should place on each container the following additional information: Invoice number; batch number; date of manufacture; and date of shipment.

HISTORY

1. Renumbering from 1224 and amendment filed 11-10-60; effective thirtieth day thereafter (Register 60, No. 23).
2. Amendment filed 3-1-67 as procedural and organizational; effective upon filing (Register 67, No. 9).

§ 1224. Refilling Containers.

No persons shall refill any flame-retardant container bearing the State Fire Marshal's Seal of Registration except the manufacturer whose registration number is shown upon the seal. Under no circumstances shall any other chemical than that originally contained be placed in such containers without first removing or defacing the Seal of Registration.

HISTORY

1. Renumbering from 1225 filed 11-10-60; effective thirtieth day thereafter (Register 60, No. 23).

**TEST REQUIREMENTS FOR
EXTERIOR FLAME-RETARDANT CHEMICALS
(When Applied to Standard Test Fabric)**

§ 1230. Exterior Test Specifications.

Exterior flame-retardant chemicals shall be tested in accordance with specifications on file in the Office of the State Fire Marshal. The results of each test shall not fall below the minimum requirements set forth in this article. The normal breaking strength variation of the standard test fabric shall be taken into account in evaluating the test results.

§ 1231. Appearance.

The chemical shall be uniform, homogeneous, and free from coarse particles or lumps. It shall be capable of being broken with a paddle to a smooth, uniform consistency. It shall not jell, liver, curdle or show any separation of phases on storage.

§ 1232. Toxicity.

NOTE: Authority cited: Section 13120, Health and Safety Code.

HISTORY

1. Repealer filed 3-2-79; effective thirtieth day thereafter (Register 79, No. 9).

§ 1233. Weight Increase.

The weight of the treated fabric shall not be more than fifty percent (50%) greater than that of the untreated fabric.

§ 1234. Breaking Strength.

The breaking strength of the treated fabric shall not be less than that of the untreated fabric.

§ 1235. Accelerated Weathering.

The percentage loss in breaking strength of the treated fabric after accelerated weathering shall not be greater than that of the untreated fabric similarly weathered. The treated fabric after weathering shall meet the requirements for fire resistance outlined in Section 1237.

HISTORY

1. Amendment filed 11-10-60; effective thirtieth day thereafter (Register 60, No. 23).

§ 1236. Water Extraction.

The treated fabric, after water extraction, shall meet the requirements for fire resistance outlined in Sections 1237 and 1237.2.

HISTORY

1. Repealer and new section filed 11-10-60; effective thirtieth day thereafter (Register 60, No. 23).

§ 1237. Fire Resistance.

(Small Scale Test.) The treated fabric, in its original state, after accelerated weathering, and after water extraction, shall be tested in accordance with the method outlined in Section 1237.1 below, and shall not continue to flame for more than two (2) seconds after the burner is removed. The average length of char (for the standard test fabric) shall not exceed three and one-half inches (3 1/2"). The maximum for any fabric shall not exceed six inches (6").

HISTORY

1. Repealer and new section filed 11-10-60; effective thirtieth day thereafter (Register 60, No. 23).

§ 1237.1. Test Method.

(Small Scale Test.) The specimens shall be conditioned by suspending them in an oven having mechanical air circulation, at temperatures of 140° to 145° F. for not less than one hour, nor more than one and one-half hours. Materials which distort or melt at the above oven exposure shall be conditioned at 60° to 80° F. and 25 percent to 50 percent relative humidity for not less than 24 hours.

Six specimens, each not less than two and one-half inches (2 1/2") x twelve and one-half inches (12 1/2"), shall be subjected to the fire resistance test. One half of each set of specimens shall be cut with the long dimension in the direction of the warp, and the other half with the long dimension in the direction of the filling.

The specimens shall be suspended vertically in a rack which covers the upper one-half inch (1/2") of the length and holds the sides firmly to prevent curling, leaving a strip two inches (2") x twelve inches (12") exposed. To protect the specimens from drafts, the apparatus shall be enclosed in a sheet metal shield twelve inches (12") wide, twelve inches (12") deep, and thirty inches (30") high, open at the top, and provided with a vertical sliding glass front. Sufficient room shall be left at the bottom of the front to allow manipulation of the gas burner used in igniting the specimens.

The specimens shall be suspended with their lower end three-quarters inch (3/4") above the top of a three-eighths inch (3/8") I.D. Bunsen or Tirril gas burner, with the air supply completely shut off, and adjusted to give a luminous flame one and one-half inches (1 1/2") long. The flame shall be applied vertically at the center of the width of the lower end of the specimens for twelve (12) seconds, then withdrawn, and the duration of flaming in the specimens after withdrawal of the burner noted. After complete extinction of all flame and glow in the specimen, the length of char shall be measured, as specified in Federal Specifications CCC-T-191a, Supplement October 1945.

HISTORY

1. New section filed 11-10-60; effective thirtieth day thereafter (Register 60, No. 23).

§ 1237.2. Fire Resistance.

(Large Scale Test.) The treated fabric, both before and after water extraction, shall be tested in accordance with the method outlined in Section 1237.3 below, and shall not continue to flame for more than two (2) seconds after the burner is removed. The vertical spread of flame and afterglow (smoldering combustion), as indicated by the length of char above the tip of the test flame, shall not exceed ten inches (10").

HISTORY

1. New section filed 11-10-60; effective thirtieth day thereafter (Register 60, No. 23).

§ 1237.3. Test Method.

(Large Scale Test.) The specimens shall be conditioned by suspending them in an oven having mechanical air circulation, at temperatures of 140° to 145° F. for not less than one hour, nor more than one and one-half (1 1/2) hours. Materials which distort or melt at the above oven exposure shall be conditioned at 60 to 80° F. and 25 percent to 50 percent relative humidity for not less than twenty-four (24) hours.

The apparatus for conducting the flame test shall consist of a sheet steel stack twelve inches (12") square transversely, seven feet (7') high, and supported one foot (1') above the floor on legs. The stack shall be

open at the top and bottom and shall be provided with a door having an observation window of wired glass extending the full length.

Six specimens, each not less than five inches (5") x seven feet (7'), shall be subjected to the fire resistance test. One-half of each set of specimens shall be cut with the long dimension in the direction of the warp, and the other half with the long dimension in the direction of the filling. Two or more pieces may be sewn together to provide the necessary length.

The specimen shall be suspended vertically in the stack with its full width facing the observer so that the bottom of the specimen is four inches (4") above the top of a Bunsen burner having a three-eighths inch (3/8") diameter tube and placed on the floor below the stack. The gas supply to the burner shall be natural gas or a mixture of natural and manufactured gases having a heat value of approximately 800-1000 Btu per cubic foot. With a gas pressure of four and one-half inches (4 1/2") (108mm.) of water, the burner shall be adjusted to produce an eleven inch (11") oxidizing flame having an indistinct inner cone. The specimen shall be lightly restrained laterally with clamps and guide wires attached to its outer edges.

The flame shall be applied vertically near the middle of the lower end of the specimen for two (2) minutes and then withdrawn. Observations shall be recorded during and after the flame application to include duration of surface flaming and length of char.

The length of char shall be determined as described for small scale test specimens in Section 1237.1.

HISTORY

1. New section filed 11-10-60; effective thirtieth day thereafter (Register 60, No. 23).

§ 1238. Flexibility.

The flexibility of the treated and untreated fabrics shall be reported. The treated fabric, after accelerated weathering, shall not increase excessively in stiffness.

HISTORY

1. Repealer of Section 1238 and renumbering of Section 1240 to 1238 filed 11-10-60; effective thirtieth day thereafter (Register 60, No. 23).

§ 1238.1. Aging Test Optional.**HISTORY**

1. New section filed 9-1-50; effective 30th day thereafter (Register 21, No. 5).
2. Repealer filed 11-10-60; effective thirtieth day thereafter (Register 60, No. 23).

§ 1239. Crocking.

The treated fabric shall be thoroughly dry and shall not show excessive crocking.

HISTORY

1. Repealer and renumbering of Section 1241 to 1239 filed 11-10-60; effective thirtieth day thereafter (Register 60, No. 23).

**TEST REQUIREMENTS FOR
INTERIOR FLAME-RETARDANT CHEMICALS
(When Applied to Standard Cotton Interior Test Fabric)**

§ 1250. Interior Test Specifications.

Interior flame-retardant chemicals shall be tested in accordance with the specifications on file in the office of the State Fire Marshal. The results of each test shall not fall below the minimum requirements set forth in this article. The normal breaking strength variation of the Standard Test Fabric shall be taken into account in evaluating the test results.

§ 1251. Settling.

The chemical, after standing, shall not contain any precipitated solids which cannot be remixed with paddle stirring or by gentle heating to effect a homogeneous solution.

§ 1252. Neutrality.

The pH of the chemical solution (determined on a suitable glass-electrode type pH-meter), shall be reported.

§ 1253. Toxicity.

NOTE: Authority cited: Section 13120, Health and Safety Code.

HISTORY

1. Repealer filed 3-2-79; effective thirtieth day thereafter (Register 79, No. 9).

§ 1254. Color Change.

The chemical shall not cause running, streaking, change of color, or otherwise appreciably alter the appearance, texture or sheen of a fabric or material in any manner other than that exhibited by the fabric when thoroughly saturated with plain tap water.

HISTORY

1. Amendment filed 8-28-62; effective thirtieth day thereafter (Register 62, No. 18).

§ 1255. Fading.

The treated fabric shall not fade more than the untreated fabric.

§ 1256. Flexibility.

The flexibility of the treated and untreated fabric shall be reported.

§ 1257. Breaking Strength.

The breaking strength of the treated fabric shall not be less than that of the original fabric similarly treated with tap water.

§ 1258. Accelerated Aging.

The percentage loss in breaking strength of the treated fabric after accelerated aging shall not exceed that of the untreated fabric similarly aged. The treated fabric after accelerated aging shall meet the requirements of the fire resistance test. Microscopic examination of the treated fabric after aging shall not show more than a trace of efflorescence.

§ 1259. Dry Cleaning.

The treated fabric, after dry cleaning, shall meet the requirements of the fire resistance test.

§ 1260. Weight Increase.

The weight of the treated fabric shall not be more than twenty percent (20%) greater than that of the untreated fabric.

§ 1261. Fire Resistance.

The treated fabric shall not continue to flame for more than one second after the burner is removed. The average length of char (for the standard cotton test fabric) shall not exceed three and one-half inches (3 1/2"). The maximum for any fabric shall not exceed 6 inches (6").

Specimens shall be tested for fire resistance in accordance with the method outlined in Section 1237.1.

HISTORY

1. Amendment filed 11-10-60; effective thirtieth day thereafter (Register 60, No. 23).
2. Amendment filed 8-28-62; effective thirtieth day thereafter (Register 62, No. 18).

§ 1262. Combined Laundering and Dry Cleaning.

(To be performed on "Type I" chemicals only.) The treated fabric, after three (3) dry cleanings and three (3) launderings, shall meet the requirements for fire resistance outlined in Section 1261.

HISTORY

1. Amendment filed 11-10-60; effective thirtieth day thereafter (Register 60, No. 23).

§ 1263. Test Procedure.

The standard procedure for testing flame-retardant chemicals and fabrics or materials is on file in the office of the State Fire Marshal.

TEST REQUIREMENTS FOR
INTERIOR FLAME-RETARDANT CHEMICALS
(When Applied to Standard Synthetic Test Fabrics)

§ 1263.1. Settling.

The chemical, after standing, shall not contain any precipitated solids which cannot be remixed with paddle stirring or by gentle heating to effect a homogeneous solution.

HISTORY

1. New sections (1263.1 through 1263.9) filed 8-28-62; effective thirtieth day thereafter (Register 62, No. 18).

§ 1263.2. Neutrality.

The pH of the chemical solution (determined on a suitable glass-electrode type pH-meter) shall be between 5.0 and 9.0.

§ 1263.3. Toxicity.

NOTE: Authority cited: Section 13120, Health and Safety Code.

HISTORY

1. Repealer filed 3-2-79; effective thirtieth day thereafter (Register 79, No. 9).

§ 1263.4. Color Change.

The chemical shall not cause running, streaking, change of color, or otherwise appreciably alter the appearance, texture or sheen of a fabric or material in any manner other than that exhibited by the fabric when thoroughly saturated with plain tap water.

§ 1263.5. Fading.

The treated fabric shall not fade more than the untreated fabric.

§ 1263.6. Flexibility.

The flexibility of the treated and untreated fabric shall be reported.

§ 1263.7. Accelerated Aging, Synthetic.

The percentage loss in breaking strength of the treated fabric after accelerated aging shall not exceed that of the untreated fabric similarly aged. The treated fabric after accelerated aging shall meet the requirements of the fire resistance test. Microscopic examination of the treated fabric after aging shall not show more than a trace of efflorescence.

§ 1263.8. Weight Increase.

The percentage increase in weight of the treated fabric over that of the untreated fabric shall be reported.

§ 1263.9. Fire Resistance.

The treated fabric shall not continue to flame for more than one second after the burner is removed. The average length of char (for the standard test fabric) shall not exceed six inches (6").

Specimens shall be tested for fire resistance in accordance with the method outlined in Section 1237.1.

TEST REQUIREMENTS FOR
INTERIOR FLAME-RETARDANT CHEMICALS
(When Applied to Materials Other Than Fabrics)

§ 1264. General Requirements.

(a) Tests shall be performed by an approved laboratory, or by the laboratory of the State Fire Marshal.

(b) Sufficient quantities of the chemical and the material for the treatment of which approval is desired shall be submitted to the laboratory, where the chemical shall be applied in accordance with the manufacturer's directions.

(c) The laboratory shall test the treated specimens in accordance with the requirements of the applicable subsection(s) below.

(d) The laboratory shall allow treated and untreated specimens to age at normal room conditions for 30 days, during and after which period the specimens shall be examined and the condition and appearance of the chemical or coating noted. The chemical or coating shall dry to the touch within four hours and dry completely within 24 hours. During and after the aging period, there shall be no appreciable change in color or appearance, and no evidence of poor adhesive qualities (such as would be indicated by any tendency toward flaking or powdering off).

(e) A copy of the laboratory report shall be submitted to the State Fire Marshal, covering in detail the method of application or treatment (number of coats, coverage in square feet per gallon, dilution if any, etc.), the results of tests, and the description of the condition or appearance of the treated specimens after aging (including change of color, dryness, brittleness, and any other pertinent qualities). The laboratory or manufacturer shall also submit to the State Fire Marshal at least one quart of the chemical.

cal, together with specimens of the material for the treatment of which approval is desired.

(f) The State Fire Marshal may perform such additional tests as he deems advisable or necessary, and his decision insofar as approval and listing of the chemical are concerned shall be final.

NOTE: Authority cited: Section 13120, Health and Safety Code.

HISTORY

1. New section filed 9-1-50; effective thirtieth day thereafter (Register 21, No. 5).
2. Repealer of subsection (f) and redesignation of subsection (g) to subsection (f) filed 3-2-79; effective thirtieth day thereafter (Register 79, No. 9).

§ 1264.1. Wooden and Compressed Cellulose Fiber Decorative Material.

Chemicals of the surface treatment type which are intended for the flame-retardant treatment of wooden and compressed cellulose fiber decorative materials shall be capable of being readily applied by brush or spray to achieve the required coverage.

Approval of chemicals for the flame-retardant treatment of compressed cellulose fiber and wooden decorative materials shall be based upon tunnel test results when performed by a laboratory properly equipped and staffed to make the test.

Chemicals which achieve a maximum fire hazard classification of 70 for flame spread will be acceptable, where untreated oak is rated at 100 and incombustible asbestos-cement board is rated at 0.

Chemicals intended for flameproofing nonsolid wooden decorative materials, such as sawdust, shavings, and excelsior shall be approved if they are capable of satisfactorily treating cotton. (See Section 1216(b).)

HISTORY

1. New section filed 9-1-50; effective 30th day thereafter (Register 21, No. 5).
2. Amendment filed 11-10-60; effective thirtieth day thereafter (Register 60, No. 23).
3. Amendment filed 8-28-62; effective thirtieth day thereafter (Register 62, No. 18).

§ 1264.2. Bast and Leaf Fibrous Decorative Materials.

The fire-resistance test shall be performed at the completion of the thirty-day aging period, and shall be conducted as nearly as practical as described in Section 1237.1. Tests shall be made on several different areas of the treated materials. There shall be no spread of flame from the area in contact with the test flame, and any afterflaming shall not exceed 10 seconds.

HISTORY

1. New section filed 9-1-50; effective thirtieth day thereafter (Register 21, No. 5).
2. Repealer of Section 1264.2 and renumbering and amendment of Section 1264.3 to 1264.2 filed 11-10-60; effective thirtieth day thereafter (Register 60, No. 23).

§ 1264.3. Christmas Trees.

The chemical shall be applied to fresh green branches of Douglas Fir, approximately three feet long. The fire-resistance test shall be performed at the completion of the 30-day aging period, and shall be conducted as nearly as practical as described in Section 1237.1. Tests shall be made on several different areas of the treated branch.

There shall be no spread of flame from the area in contact with the test flame, and any afterflaming shall not exceed ten seconds. At the completion of the 30-day aging period, the treated branch shall not lose its needles more readily nor shall they have turned brown to a greater extent than those of the untreated branch similarly aged.

HISTORY

1. New section filed 9-1-50; effective thirtieth day thereafter (Register 21, No. 5).
2. Renumbering of Section 1264.4 to 1264.3 and amendment filed 11-10-60; effective thirtieth day thereafter (Register 60, No. 23).

Article 4. Registration of Flame-Retardant Fabric or Material

§ 1270. Fee.

Any concern marketing a flame-retardant fabric or material desiring to have such fabric or material registered by the State Fire Marshal shall accompany its application with the registration fee as provided in Section 13127 of the Health and Safety Code.

§ 1271. Test Costs.

The cost of all laboratory tests required shall be borne by the applicant.

§ 1272. Fabric Registration.

Manufacturers who market a flame-retardant fabric or material for use as draperies, upholstery, wall coverings, etc., or a flame-retardant canvas for use in tents, may have their product listed under its trade name as a registered flame-retardant fabric or material provided that:

(a) The fabric or material is treated by a registered flame-retardant application concern with a registered chemical; or

(b) The fabric or material is inherently noncombustible (such as glass, asbestos, or certain metallic cloths); or

(c) The fabric or material is manufactured of such materials that the flame-retardant qualities may be expected to remain effective for the useful life of the fabric. This category includes such materials as fabric woven from nonflammable synthetic fibers; nonflammable plastic films or sheetings; treated, synthetic, or inherently noncombustible fabrics which have been coated or impregnated with a nonflammable plastic, etc. NOTE: Fabrics and materials falling in group (a) above are automatically approved, but will be listed as such only upon payment of the registration fee required by statute.

HISTORY

1. New section filed 11-21-47; designated to be effective 12-22-47 (Register 10, No. 3).
2. Amendment filed 9-1-50; effective 30th day thereafter (Register 21, No. 5).
3. Amendment filed 11-10-60; effective thirtieth day thereafter (Register 60, No. 23).

§ 1273. Basic Requirements.

Due to the wide variety of fabrics or materials which might fall into the preceding classifications, it is impractical to devise standards and test procedures which would be applicable uniformly to all materials. However, the basic requirement for any treated fabric or material shall be the ability to withstand the appropriate fire resistance tests outlined herein.

HISTORY

1. Amendment filed 11-10-60; effective thirtieth day thereafter (Register 60, No. 23).

§ 1273.1. Fabrics for Interior Use.

Fabrics as described in 1272(c) intended for interior use shall be tested in their original condition only, and shall meet the requirements for fire resistance outlined in Section 1273.3.

HISTORY

1. New section filed 11-10-60; effective thirtieth day thereafter (Register 60, No. 28).

§ 1273.2. Fabrics for Exterior Use.

Fabrics as described in 1272(c) intended for exterior use shall meet the requirements for fire resistance outlined in 1273.3, and, in addition, they shall meet the requirements for fire resistance outlined in 1237, both in their original state and after accelerated weathering.

HISTORY

1. New section filed 11-10-60; effective thirtieth day thereafter (Register 60, No. 23).

§ 1273.3. Unsupported Film, Synthetic Fabrics and Coated Fabrics.

After removing the fabric from the test flame, the specimen shall not continue to flame for more than two seconds. Exception is made for short duration flaming, in accumulated char areas, which produces no flame spread or travel. No flames shall reach the top of the specimen.

Three specimens each one foot (1') wide by two and one-half feet (2 1/2') long shall be tested for fire resistance.

Each specimen shall be suspended,* with its lower edge approximately two inches (2") in the test flame, and not less than a twenty-four inch (24") length exposed. The test flame from a three-eighths inch (3/8") I.D. Bunsen burner, with the air supply just sufficient to remove all traces of yellow flame, but without any distinct blue inner cone, adjusted to a length between three and one-half inches (3 1/2") and four inches (4") shall be applied vertically at the center of the lower edge. No exposure time limitation is imposed, since every effort must be made to initiate sustained combustion.

Failing to ignite the area originally exposed, the specimen should be moved to expose an area near either vertical edge.

HISTORY

1. New section filed 11-10-60; effective thirtieth day thereafter (Register 60, No. 23).

* Suspension shall be by means of a wooden dowel held in the hand, with the upper end of the free hanging specimen rolled around the dowel tightly enough to remain in place, and without restraint by clamps or guide wires.

§ 1273.4. Flock.

The flock shall be applied heavily to a test armature made of one inch (1") poultry wire twelve inches (12") square folded every three inches (3") to bring the creases one inch (1") apart.

For nonadhesive flock, the adhesive shall be nonflammable both before and after drying. The test specimen shall be thoroughly dried before being tested.

The flock armature shall be suspended above the test flame and tested as provided by Section 1237 for the small scale fire resistance test.

There shall be no spread of flame from the test area in contact with the test flame, and any afterflaming shall not exceed one second.

HISTORY

1. New section filed 11-10-60; effective thirtieth day thereafter (Register 60, No. 23).

§ 1274. Additional Requirements.

In the case of fabrics described in paragraph (c) of Section 1272, the manufacturer (or jobber) shall submit to the office of the State Fire Marshal a sample of his product not less than two yards in length or, if intended for exterior use, five yards long. Test reports from independent commercial testing laboratories may be required to substantiate claims made for such product. The State Fire Marshal may then perform, in addition to the fire resistance test, such tests as he may deem necessary to decide whether or not the product warrants registration.

HISTORY

1. Amendment filed 11-10-60; effective thirtieth day thereafter (Register 60, No. 23).

§ 1275. Secondary Registrations.

A concern desiring to register a flame-resistant fabric or material that is not a product of its own manufacture, which required tests prove meets the requirements of this article for approval and registration, may apply for approval and listing under the concern's own trade or brand name as follows:

(a) The manufacturer of the fabric or material shall certify his approval and give his consent in letter to the State Fire Marshal for the registration, sale, distribution, and use of his product under the proposed new name by the applicant concern and stipulate as follows in a letter to the State Fire Marshal:

(1) That all of the fabric or material supplied by him to the applicant concern for sale, distribution or use under the new name shall always be identical in all respects to the test sample and/or report last approved and registered by the State Fire Marshal, and

(2) That he will assign a production or lot control number to each specific unit of such production, and will submit to the State Fire Marshal

a one-quarter yard test specimen of each lot sold to the applicant concern, and

(3) That he will maintain a record of the amount of fabric or material furnished to the applicant concern and submit this information to the State Fire Marshal upon his request, and

(4) That he will notify both the applicant concern and the State Fire Marshal, in writing, of any proposed change in formulation or fire-resistant quality not less than 30 days prior to making such change and obtain his approval of such change. New test samples shall be submitted of the changed product.

(b) The applicant concern shall furnish any additional test reports from the independent approved testing laboratories that may be required to substantiate claims made for approval of the fabric or material and shall pay all costs in connection therewith.

(c) The applicant concern shall certify, in a notarized letter accompanying its application form, that the fabric or material sold, distributed, or used under the new name shall always be identical in all respects to the test sample and/or report submitted by him and determined to be acceptable by the State Fire Marshal for approval and registration, and that it will be identified in all records by the same production or lot control number assigned by the manufacturer to a specific unit of production.

(d) The applicant concern shall pay to the Office of the State Fire Marshal the original and annual registration fee as prescribed by the statutes.

(e) Following registration, the concern shall furnish, in accordance with these regulations, test samples and an approved Certificate of Flame Resistance covering the registered fabric or material when the product is sold for use in occupancies governed by the statutes, or when such fabric or material is intended for use or may sometimes be used in the State of California.

HISTORY

1. New section filed 11-10-60; effective 30th day thereafter (Register 60, No. 23).

Article 5. Registration of Flame-Retardant Application Concerns

§ 1280. Application.

Any person or firm desiring to engage in the business of or perform for a fee the act of applying a flame-retardant chemical to any fabric or material shall first make application for registration as a Flame-Retardant Application Concern on forms provided by the State Fire Marshal. Separate applications shall be submitted for each separate place of business. NOTE: Authority cited: Section 13120, Health and Safety Code. Reference: Sections 13100-13132, Health and Safety Code.

HISTORY

1. Repealer of Article 5 (Sections 1280-1284) and new Article 5 (Sections 1280-1282) filed 3-2-79; effective thirtieth day thereafter (Register 79, No. 9).

§ 1281. Qualifications.

No application for registration as a Flame-Retardant Application Concern shall be considered unless such applicant or an employee thereof first demonstrates his or her qualifications by:

(a) Passage of a written examination as prepared by the State Fire Marshal on the laws, regulations and technical aspects of flame-retardant chemicals, fabrics, materials and fibers and how they may be identified. A score of 70% is considered as minimum for passage of the written examination. In addition, the State Fire Marshal may require a practical demonstration of the applicant's ability to properly perform the acts for which application has been made.

(b) Presentation of evidence of actual experience in the chemical application.

(c) Possession of necessary equipment and machinery to conduct application procedures.

(d) Submission of required fees as set forth in Section 13127, Health and Safety Code.

NOTE: Authority cited: Section 13120, Health and Safety Code. Reference: Sections 13100–13132, Health and Safety Code.

§ 1282. Employees.

(a) The rights and privileges extended to a registered Flame-Retardant Application Concern shall extend to bona fide employees of such concern provided all work performed by such employees is under the direct supervision of the individual who satisfactorily passed the examination required by Section 1281. All Certificates of Flame Retardancy issued by such concerns pursuant to this subchapter shall be signed by the individual who has satisfactorily passed the examination.

(b) Except as provided in Section 1282(a) above, the rights and privileges extended to a registered Flame-Retardant Application Concern shall not extend to any person, including but not limited to agents or representative operating with or without a contract with the registered concern. Such persons shall be considered as being separate concerns requiring separate registration.

(c) No person who is not an employee of a Registered Flame-Retardant Application Concern shall be entitled to take the examination set forth in this section without first having made application for registration as a Flame-Retardant Application Concern.

NOTE: Authority cited: Section 13120, Health and Safety Code. Reference: Sections 13100–13132, Health and Safety Code.

HISTORY

1. Editorial correction of subsection (a) (Register 97, No. 44).

Article 6. Flame-Retardant Application Standards

§ 1290. Chemicals.

No flame-retardant application concern shall apply a flame-retardant chemical on a job governed by the scope of these regulations unless the concern and the chemical are registered with and approved by the State Fire Marshal.

§ 1291. Use.

No concern shall apply any flame-retardant chemical to any fabric or material for use governed by the scope of these regulations unless the chemical is registered with and approved by the State Fire Marshal for treatment of that particular type of fabric or material.

§ 1292. Application.

The chemical shall be applied evenly and to all parts of the article being treated.

§ 1292.1. Fire-Resistance.

The treated fabric or material shall meet the requirements for fire resistance described in Sections 1237, 1237.2, 1261, 1264.1, 1264.2 or 1264.3, whichever is applicable. Samples for testing may be smaller than sizes specified in these sections.

HISTORY

1. New section filed 9–1–50; effective 30th day thereafter (Register 21, No. 5).

2. Amendment filed 3–1–67 as procedural and organizational; effective upon filing (Register 67, No. 9).

§ 1293. Admixtures.

No concern shall add to or mix with any registered chemical any other chemical or substance excepting a thinning or penetrating agent approved by the chemical manufacturer.

RECOMMENDED STANDARD PRACTICES AND PRECAUTIONS

§ 1300. Pretreatment Examination.

Before applying any flame-retardant chemical, the application concern shall first carefully examine the fabric or material to determine:

- (a) The type of fabric or material.
- (b) If it has been previously treated.

(c) If it contains any sizing or loading.

(d) If it can be effectively and safely treated.

Assuming that the fabric or material is of a type for which the chemical has been registered, the concern must then decide how much chemical must be applied. This will depend on the area to be treated and the type of fabric. The percent weight gain must be commensurate with that determined for the chemical on the standard qualifying fabric. It may be necessary to apply slightly more or less chemical than this, depending on the weight and type of the particular fabric being treated, but in every case sufficient chemical shall be applied to obtain satisfactory flame resistance.

If examination shows that the fabric has been previously treated, consideration must be given to the possibility that the old treatment combined with the new might nullify the flame-retardant effect, or might cause excessively rapid deterioration of the fabric. Whenever possible, all traces of any previous chemical treatment should be removed before re-treating.

The presence of sizing in a fabric can have a decided effect on the flame-retardant treatment, especially the exterior type. Some exterior chemicals will be registered only for the treatment of unsized or desized canvas, and may not be applied to a sized material unless the sizing is first removed. Whenever practical, sizing should be removed before treatment with any chemical, since a treatment is always more effective and will last longer on an unsized fabric.

Celanese and acetate type rayons are extremely difficult to treat successfully, even though chemicals may be listed as approved for such fabrics. Applicators are cautioned not to undertake the treatment of such fabrics unless they have adequate knowledge and experience.

Before treatment of printed or dyed interior fabrics, the applicator must determine if the colors are fugitive and apt to run if the fabric is wet. In such a case, the applicator must be especially careful in applying the chemical, so as not to cause the colors to run.

It is an acknowledged fact that certain metals and metallic pigments in contact with chlorinated paraffin will accelerate the liberation of hydrogen chloride, especially at high temperatures. This effect is most pronounced with iron, zinc, and pigments composed mainly of salts of these two elements. Zinc oxide is extremely harmful in this respect and its use should be avoided, since its effect extends even to properly stabilized chlorinated paraffins.

§ 1301. Fire Hazards.

Certain solvents, thinners, and penetrating agents (such as alcohol, toluol, ketones, petroleum solvents, etc.) sometimes used with flame-retardant chemicals are highly flammable, and manufacturers and applicators must take all necessary precautions to guard against the hazard of fire when using such liquids, especially indoors.

§ 1302. Interlinings.

In the case of drapes, curtains, etc., which have interlinings, the applicator shall make every effort to treat the lower, accessible portion of the interlining, but it shall not be deemed necessary to treat the entire interlining, or to open the bottom of the article if it has been sewed.

§ 1303. Water pH.

Manufacturers whose chemicals are diluted with water by the applicator must take into account the variation in pH of the water supplies of various localities. The pH of tap water in the Los Angeles area is sometimes as high as 8.7.

§ 1304. Liability.

Protection of public property is a primary responsibility of the application concern in the field. Dripping, splattering, spilling, etc., should be anticipated and provision made for use of drop cloths and shields. The flame-retardant application concern may be held liable for damages to persons or property arising out of and occurring during the course of flame-retardant chemical application and for negligence of his or its agents, servants, employees or subcontractors.

Article 7. Field Testing for Fire Resistance

§ 1310. Taking Specimens.

The specimens for making fire resistance tests may be taken by the inspection authority from any part of the fabric or material and in whatever size and number he deems necessary, and the management shall permit the State Fire Marshal or his duly authorized representative to take such specimens for testing purposes. It is assumed that the inspection authority will use reasonable judgment in taking test specimens to avoid unnecessary damage to the article.

§ 1311. Testing Specimens.

When tests are deemed necessary by the inspection authority, samples should be taken and tested in accordance with the recommended procedure on file in the Office of the State Fire Marshal.

Article 8. Flameproofing Certification, Labeling and Installation

§ 1320. Pre-Job Notification.

Prior to the performance of every job of flame-retardant chemical application by a registered flame-retardant application concern on the premises of any occupancy mentioned in Sections 13115 or 13119 of the Health and Safety Code, such concern shall first notify the local fire department or the nearest office of the State Fire Marshal, giving the time and date that the job is to be performed. This provision shall not apply to work done by an application concern on its own premises. The fire department or State Fire Marshal may take samples both of the chemical being applied and of the finished treated fabric(s).

HISTORY

1. Repealer of Article 8 (§§ 1320 through 1325) and new Article 8 (§§ 1320, 1321, 1321.1, 1322 through 1327) filed 11-10-60; effective 30th day thereafter (Register 60, No. 23). For prior history see Register 21, No. 5.
2. Amendment filed 3-1-64 as procedural and organizational; effective upon filing (Register 67, No. 9).

§ 1321. Flame-Retardant Application Certification.

After every job of flame retardant chemical application by a registered flame-retardant application concern, an approved certificate of flame resistance shall be furnished the person or concern for whom the work was done, and copies sent the State Fire Marshal and the local fire authority. These certificates shall be delivered within 10 days after completion of the job, shall be filled out completely and signed by an authorized representative of the registered application concern.

Notation shall be made on the reverse side of the certificate indicating the kind of material and color, and, where curtains or drapes are treated, whether they are unlined, lined, or lined and interlined. Whenever possible the location and use of the treated articles should be given also.

This section shall apply only in cases where treated fabrics are intended for use or may sometimes be used in the State of California.

§ 1321.1. Fabric and Material Certification.

All concerns in whose name an approved flame-resistant fabric or material is registered shall issue approved certificates of flame resistance covering all such products sold for use in occupancies governed by the statutes. Copies shall be furnished the buyer as well as the State Fire Marshal and the local fire authority of the customer's city. These certificates shall be delivered within 10 days after the product is shipped and shall be filled out completely and signed by an authorized representative of the concern.

In addition to the required description on the reverse side of the certificate as to yardage or quantity, color and kind, notation should be made of the manufacturer's production or lot control number, the purchase order or invoice number, and, where possible, the ultimate location and use.

§ 1322. Certified True Copies.

Upon receipt of written request justifying such privilege, the State Fire Marshal may authorize issuance of certified true copies of certificates of flame resistance where conditions warrant. These certified true copies shall conform in every detail with the approved standard form on file in the office of State Fire Marshal. This form is identical to the approved standard certificate of flame resistance, with an additional legend appended, as follows:

We hereby certify this to be a true copy of the original "CERTIFICATE OF FLAME RESISTANCE" issued to us, "original copy" of which has been filed with the California State Fire Marshal.

Spaces are provided below the legend for the names of the authorized issuing concern and its designated official.

In every instance when a certified true copy is issued, a copy shall be filed with the State Fire Marshal and the local fire authority in the customer's city. Test specimens of required size shall accompany the copy sent to the State Fire Marshal.

All of the data from the original certificate shall be copied exactly, special attention being given to the name of the registered chemical, fabric, or material and its registration number and the name of the issuing concern's official.

Notation shall be made on the reverse side of the certified true copy showing (a) the location of ultimate use, when known or obtainable, such as school, theater, night club, or other occupancy governed by the statutes, (b) the yardage or quantity, (c) the kind of fabric or material, (d) its color, (e) the manufacturer's batch or production control number, and (f) the purchase order or invoice number as a means for identification.

§ 1323. Filing Test Samples.

Flame-retardant application concerns shall attach to the certificate submitted to the State Fire Marshal's office not less than one two-inch (2") x six-inch (6") test sample of the fabric or material treated by them, excepting only where such sample cannot be taken without defacing finished converted goods such as curtains, drapes, flats, etc. No exception is permitted for yardage goods.

Test specimens of approved registered fabrics and materials shall be submitted to the State Fire Marshal. The wide variation in fire resistant quality of registered products, ranging from noncombustible to flame-proof, militates against setting a single test size and frequency. In general, a one foot (1') by three foot (3') specimen of each unit or lot of fabric and film production bearing the production or lot number shall be submitted by the producer directly to the State Fire Marshal. For other special fabrics and materials, the sample size and test frequency will be specified on an individual basis to the concern in whose name the product is registered.

§ 1324. Job Labeling.

To every article that is treated and to every roll or package of registered approved fabric or material a small label or tag shall be securely affixed, bearing the following information:

- (a) The Seal of Registration of the State Fire Marshal of California.
- (b) Name and registration number of the concern responsible for the job or production.
- (c) Name of the registered chemical used or the registered fabric or material.
- (d) Date the chemical was applied, or the fabric or material was produced.
- (e) The statement, "This article must be re-treated after washing or drycleaning by systems with soap and water added" (if treated with a "Type II" chemical).

This information may be stamped, printed or stenciled on the article if so desired.

Concerns which treat or manufacture yardage goods may print or stencil their name, or the name of their fabric if registered, on the salvage (at least once every three yards) instead of affixing the label or tag as above.

§ 1325. Labeling Required.

No drape, hanging, curtain, drop or similar decorative material or exterior fabric which has been treated by a registered flame-retardant application concern, either as yardage or after fabrication, or which is made from a registered approved fabric shall be installed after the effective date of these rules and regulations in any place or under any condition governed by Sections 13115 and 13119 of the Health and Safety Code unless such drape, hanging, curtain, drop, or similar decorative material or exterior fabric shall be labeled as required by Section 1324.

HISTORY

1. Amendment filed 3-1-67 as procedural and organizational; effective upon filing (Register 67, No. 9).

§ 1326. Retreatment.

In cases where instructions are issued by the State Fire Marshal requiring retreatment or replacement of fabrics or materials previously treated with a flame-retardant chemical or registered as an approved fabric or material, the retreatment or replacement shall be made within ten (10) days after date of the order so requiring. A new certificate of flame resistance covering each such retreatment shall be delivered as for an original job as is provided for by Section 1321. A new sample of the retreated fabric or material shall be attached to the certificate of flame resistance submitted to the State Fire Marshal.

§ 1327. Installation.

The standard fire resistance tests presume installation of approved registered fabrics in a normal vertical position. Some decorative materials installed otherwise, such as in narrow strips or suspended overhead in a horizontal position, may exhibit different burning characteristics. Since it is not feasible to devise tests for all such installations differing from normal, they must be judged on an individual basis. Where indicated, the State Fire Marshal may perform such additional tests as he deems necessary to insure adequate fire resistance of materials as installed.

Article 9. The Seal of Registration

§ 1330. Description.

Seal of Registration of the State Fire Marshal of California



The official Seal of Registration shall consist of a series of concentric circles lettered as follows: Outer Circle:

Upper half: "REGISTERED"	Upper half: "STATE OF CALIFORNIA"
Lower half: "FLAME RETARDANT"	Lower half: "STATE FIRE MARSHAL"

In the center shall appear five crossed trumpets.

Appended below the outer circle and in a central position shall be a box provided for displaying the registration number assigned by the State Fire Marshal to any registered approved chemical, fabric, material or flame-retardant application concern.

HISTORY

1. Originally published 12-21-47 (Register 10, No. 3).

2. Amendment filed 12-2-47 (Register 10, No. 5).

§ 1331. Unlawful Use.

No person or concern shall use this Seal in any manner or for any purpose without having received official permission so to do from the State Fire Marshal in writing.

§ 1332. Permissive Use.

Use of this Seal shall be restricted to permissive use by persons and concerns as defined by these rules and regulations as proof of the fact that

the State Fire Marshal of California has approved and registered one or more of the following:

- (a) Flame-retardant chemical.
- (b) Flame-retardant fabric.
- (c) Flame-retardant material.
- (d) Flame-retardant application concern.

§ 1333. Approved Use.

Approved uses of the Seal shall include, but not by way of limitation, use in connection with:

- (a) Labels for containers of approved and registered chemical; or for fabrics or materials.
- (b) Stencils for tents, canvas and similar fabrics.
- (c) Printed matter including the certificate of flame resistance, approved promotional matter and copy for publication.*
- (d) Letterheads, personal cards and similar stationery.

HISTORY

1. Amendment filed 11-10-60; effective thirtieth day thereafter (Register 60, No. 23).

* All copy and/or galley proofs should be submitted to the State Fire Marshal for review, prior to publication.

§ 1334. Reproduction.

No person shall make any reproduction of the California State Fire Marshal's Seal of Registration other than one made from the proof of the master copy furnished the registered person or concern at the time the registration number is issued, and such reproduction shall be made in accordance with the instructions for use thereon. No alteration of the original, or copy, or facsimile other than the original furnished by the State Fire Marshal shall be used.

§ 1335. Registration Number.

Before reproduction of the Seal of Registration, there shall be inserted in the box provided the Registration Number assigned by the State Fire Marshal to designate the chemical, fabric, material or application concern.

§ 1336. Size.

Reproductions of the Seal for use in labeling containers of flame-retardant chemical shall have a maximum diameter of one and one-half inches (1 1/2").

§ 1337. Cease Use Order.

No person or concern shall continue use of this Seal in any manner or for any purpose after receipt of a notice in writing from the State Fire Marshal of California to discontinue such use, or after receipt of notice in writing of the removal of its name or the name of its product from the registered list.

§ 1338. Misuse.

Violation of such an order or misuse of the Seal shall constitute a violation of these rules and regulations and is a misdemeanor within the meaning of the governing statute.

HISTORY

1. Amendment filed 11-10-60; effective thirtieth day thereafter (Register 60, No. 23).

Article 10. Approval of Testing Laboratories

§ 1340. Listing.

Testing laboratories wishing to have their names listed on the State Fire Marshal's list of approved laboratories, shall first make application to the State Fire Marshal on the form provided by him.

§ 1341. Approval Basis.

No laboratory shall be approved for the testing of flame-retardant chemicals unless it possesses or has access to the use of (1) all the equipment necessary for performing the tests required, and (2) personnel fa-

miliar with the testing of the flame-retardant qualities of fabrics and materials.

Article 11. Violations and Penalties

NOTE: The statutes require removal from the approved list of the names of all chemicals, flame-retardant fabrics or materials and the names of all flame-retardant application concerns who fail to pay their annual renewal registration fee on or before July 31st of each year.

§ 1350. Statutory.

Section 13123 of the State Health and Safety Code provides that "The State Fire Marshal shall remove from his approved list the name of any flame-retardant chemicals, flame-retardant fabric or material or any flame-retardant application concern where he finds after a hearing that any of the following causes exists:

"(a) Selling or offering for sale a flame-retardant chemical or a flame-retardant material that is inferior to that submitted for test and approval."

"(b) Distributing or disseminating or causing to be distributed or disseminated, misleading or false information with respect to any flame-retardant chemical, fabric or material."

"(c) Changing the flame-retardant chemical formula or methods of flame-retardant treatment without first notifying the State Fire Marshal of such change and obtaining approval of same."

"(d) Using other than chemicals shown on the State Fire Marshal's approved list."

"(e) Using chemicals for the treatment of materials for which they have not been approved."

"(f) Failure to adequately and properly treat a fabric or material to make it fire resistant to the extent that it will successfully pass the fire resistance tests established by the State Fire Marshal."

"(g) Violating any minimum standard or any rule or regulation adopted pursuant to Section 13120."

"The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the State Fire Marshal shall have all the powers granted therein. Pending hearing and decision the State Fire Marshal may temporarily remove any name from his approved list for a period not to exceed 30 days, if he finds that such action is required in the public interest. In any such case the order of temporary removal shall be effective upon notice to the persons affected thereby, and a hearing shall be held and a decision issued within 30 days after such notice."

§ 1351. Advertising.

Regarding paragraph (b) above, reference to approval and listing by the State Fire Marshal of a product shall be limited to a statement to the effect that the product has met the requirements of and is registered by the California State Fire Marshal.

§ 1352. Regulatory.

Repeated evidence of any of the following conditions shall likewise be cause for removal from the list:

(a) Failure of a chemical to impart satisfactory flame resistance in actual use.

(b) Abnormal deterioration of fabrics or materials to which a chemical has been applied.

(c) Failure of an application concern to apply sufficient chemical (consistent with amounts used in qualifying tests) to impart flame resistance for a reasonable period of time, depending on the conditions of use of the fabric or material treated.

(d) Failure to deliver Certificate(s) of Flame Resistance as required by Section 1321 of these rules and regulations.

§ 1353. Employer Responsibility.

Every flame-retardant application concern shall be responsible for the acts of its employees or agents, insofar as such acts apply to the flame-retardant treatment of any fabric or material, and the concern's registration

certificate shall be subject to revocation for acts of said employees or agents.

§ 1354. Restoration to List.

Restoration of names to the registered lists shall be in accordance with Sections 13124 and 13125 of the Health and Safety Code.

§ 1355. Criminal Penalties.

Furthermore, Section 13112 of the State Health and Safety Code states as follows: "Every person who violates any provision of this chapter, or any order, rule, or regulation made pursuant to this chapter, is guilty of a misdemeanor punishable by a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), or by imprisonment for not less than 30 nor more than 180 days, or by both.

"A person is guilty of a separate offense each day during which he commits, continues, or permits a violation of any provision of, or any order, rule, or regulation made pursuant to this chapter."

Chapter 9. Standardization of Threaded Fittings on Fire Equipment

NOTE: Authority cited for Subchapter 9: Section 13026, Health and Safety Code.

HISTORY

1. New Subchapter 9 filed 10-2-52 as an emergency; effective upon filing (Register 30, No. 1).
2. Repealer of Subchapter 9 (Article 1, Section 1400) filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

Chapter 10. Explosives

Subchapter 1. Transportation

NOTE: Authority cited: Sections 31602(c) and 31616, Vehicle Code.

HISTORY

1. Repealer for Section 1500 and new Sections 1500 through 1538 filed 7-25-66 as an emergency; effective upon filing. Certificate of Compliance included (Register 66, No. 24). For former section, see Register 63, No. 19.
2. Repealer of Article 1 (§§ 1500-1538) and new Article 1 (§§ 1500-1540) filed 7-31-68 as an emergency; effective upon filing. Certificate of Compliance included (Register 68, No. 29).
3. Repealer of Sections 1507 through 1540 and new Sections 1507 through 1540 filed 1-6-70 as an emergency; effective upon filing. Certificate of Compliance included (Register 70, No. 2).
4. Repealer of Part I, Article 1 (§§ 1500 through 1540) filed 9-23-71 as procedural and organizational; designated effective 11-15-71 (Register 71, No. 39).

Subchapter 2. Administration

Article 2. Sale, Use, Handling, Possession, and Storage of Explosives

§ 1550. Title.

These regulations shall be known as the "Regulations of the State Fire Marshal," may be cited as such and will be referred to herein as "These regulations."

NOTE: Authority cited: Section 12081, Health and Safety Code. Reference: Sections 12000-12401, inclusive, Health and Safety Code.

HISTORY

1. New Article 2 (Section 1550) filed 11-10-67 as an emergency; effective upon filing (Register 67, No. 45).
2. Certificate of Compliance—Section 11422.1, Government Code, filed 2-16-68 (Register 68, No. 7).
3. New Article 2 (Sections 1550 through 1563) filed 3-4-69; effective thirtieth day thereafter (Register 69, No. 10).

§ 1551. Authority.

The provisions of these regulations are adopted pursuant to Part 1, Division 11 of the Health and Safety Code.

§ 1552. Purpose.

These regulations have been prepared and adopted for the purpose of establishing procedures for the classification and designation of explosives materials or explosive devices that are not under the jurisdiction of the U.S. Department of Transportation, and for the purpose of establishing reasonable provisions relating to the sale, use, handling, possession, and storage of explosives.

§ 1553. Scope.

The provisions of these regulations apply to the sale, use, handling, possession, and storage of explosives of every class or kind in this State, unless specifically exempted in the State law.

§ 1554. Enforcement of Regulations.

In the application of these regulations to existing occupancies, sufficient time to make corrections shall be considered. The inspection authority should exercise good judgment, taking into consideration the degree of danger to life in event of explosion, while corrections are being made. The Chief having jurisdiction may, when deemed necessary, require immediate compliance with these regulations.

§ 1555. False or Misleading Statements.

It is unlawful for any person, firm, corporation or association, or any employee thereof with intent directly or indirectly to dispose of real or personal property or to perform services, professional or otherwise, or anything of any nature, whatsoever or to induce the public to enter into any obligation relating thereto, to make or disseminate or cause to be made or disseminated before the public in this State, in any newspaper or other publication, or any advertising device, or by public outcry or proclamation, or in any other manner or means whatever, any statement, concerning such real or personal property or services, professional or otherwise or concerning any circumstance or matter of fact connected with the proposed performance or disposition thereof, which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.

§ 1556. Misuse of Permit.

No explosives permittee shall lend his permit or allow it to be used by any person other than his authorized representatives.

§ 1557. Division of Industrial Safety.

The provisions of these regulations shall not apply when the use, manufacturing, handling, possession, storage, and transportation is subject to the requirements of the Division of Industrial Safety, Department of Industrial Relations, except where the provisions of these regulations extend beyond the scope or authority of the Division of Industrial Safety, Department of Industrial Relations.

§ 1558. Local Ordinances.

Nothing contained in these regulations shall be considered as abrogating the provisions of any ordinance of any city, county, or city and county or district respecting the delivery, storage, and handling of explosives provided such ordinance is at least as restrictive as the provisions of this part.

EXCEPTION: Explosives being transported on highways and at safe stopping places established under the provisions of Division 14 (commencing with Section 31600) of the Vehicle Code.

NOTE: Applicants, before applying for a permit, should determine that their facilities (or proposed facilities) conform to local ordinances pertaining to the delivery, handling, and storage of explosives.

§ 1559. Definitions.

For the purpose of these regulations, certain terms, phrases, words, and their derivatives shall be construed as set forth in this section. Words used in the singular include the plural, and the plural the singular. Words used in the masculine gender include the feminine, and the feminine the masculine. Wherever an article or section is referred to in these regulations by number it shall be understood to refer to an article or section of these regulations.

HISTORY

1. Amendment filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31). For prior history, see Register 71, No. 5.
2. Amendment filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).

§ 1559.1. "A" Definitions.

No definitions.

HISTORY

1. New section filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31).
2. New section filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).

§ 1559.2. "B" Definitions.

(a) Blasting agent shall mean any material or mixture, consisting of a fuel and oxidizer, intended for blasting, not otherwise classified as an explosive and in which none of the ingredients are classified as an explosive, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated by means of a No. 8 test blasting cap when unconfined.

NOTE: 1: A No. 8 test blasting cap is one containing 2 grams of a mixture of 80% mercury fulminate and 20% potassium chlorate, or a cap of equivalent strength.

NOTE: 2: Nitro-Carbo-Nitrates shall mean any blasting agent which has been classified as nitro-carbo-nitrate by the U.S.D.O.T., and which is packaged and shipped in compliance with the regulations of the U.S.D.O.T.

(b) Bullet resistant shall mean material and construction methods capable of preventing penetration of a 180 gr., 30 caliber soft nose hunting type bullet, when propelled at a maximum velocity of 2700 feet per second when fired at a distance not to exceed 100 feet.

HISTORY

1. New section filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31).

§ 1559.3. "C" Definitions.

(a) Chief shall mean the issuing authority.

HISTORY

1. New section filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31).
2. New section filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).

§ 1559.4. "D" Definitions.

(a) Day box shall mean a portable storage container, constructed as required for a Class II magazine, except it may be less than 1 cubic yard in size.

HISTORY

1. New section filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31).
2. New section filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).

§ 1559.5. "E" Definitions.

(a) Explosives shall mean any substance, or combination of substances, the primary and common purpose of which is detonation or rapid combustion and which is capable of relatively instantaneous or rapid release of gas and heat, or any substance, the primary purpose of which, when combined with any other substance, is to form a substance capable of the relatively instantaneous or rapid release of gas and heat. This shall include combined phosphoric compounds.

(b) Explosives—Class A shall mean possessing detonating or otherwise maximum hazard; such as but not limited to, dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, black powder, more than 1000 blasting caps, and detonating primers.

(c) Explosives—Class B shall mean that in general these explosives function by rapid combustion rather than detonation and include some explosive devices such as flash powders, and liquid or solid propellant explosives which include some smokeless powders.

(d) Explosives—Class C shall mean and include certain types of manufactured articles which contain Class A or Class B explosives, or both, as components but in restricted quantities. For the purposes of this part,

Class C explosives shall mean 1,000 or less blasting caps and detonating cord.

(e) Explosive-Actuated Power Devices shall mean any tool or special mechanized device which is actuated by explosives, but not to include propellant-actuated power devices. Examples of explosive-actuated power devices shall include but shall not be limited to jet tappers and jet perforators, shaped charges, and similar devices.

HISTORY

1. New section filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31).
2. New section filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).

§ 1559.6. "F" Definitions.

No definitions.

HISTORY

1. New section filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31).
2. New section filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).

§ 1559.7. "G" Definitions.

No Definitions.

HISTORY

1. New section filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31).
2. New section filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).

§ 1559.8. "H" Definitions.

(a) Highway shall mean a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.

HISTORY

1. New section filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31).
2. New section filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).

§ 1559.9. "I" Definitions.

(a) Inhabited buildings shall mean a building or structure regularly used in whole or part as a place of human habitation. The term "inhabited building" shall also mean any church, school, store, railway passenger station, airport terminal for passengers, and any other building or structure where people are accustomed to congregate or assemble.

(b) Issuing authority shall mean either the sheriff of a county, or the chief or other head of a municipal police department of any city or county, or the chief of a fire department or fire protection agency, and their authorized representatives, provided that, in the event the designated issuing authority is the chief of a fire department or fire protection agency, such fire department or fire protection agency is organized with regularly paid, full-time personnel. The governing body of any county, city, or city and county shall designate one of the above as the issuing authority within its jurisdiction and shall notify the State Fire Marshal of the person so designated.

HISTORY

1. New section filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31).
2. Corrective amendment filed 8-17-73 as procedural and organizational; effective upon filing (Register 73, No. 31).
3. New section filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).

§ 1559.10. "J" Definitions.

No definitions.

HISTORY

1. New section filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31).
2. Corrective amendment filed 8-17-73 as procedural and organizational; effective upon filing (Register 73, No. 31).

3. New section filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).

§ 1559.11. "K" Definitions.

No definitions.

HISTORY

1. New section filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31).
2. New section filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).

§ 1559.12. "L" Definitions.

No definitions.

HISTORY

1. New section filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31).
2. New section filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).

§ 1559.13. "M" Definitions.

(a) Magazine shall mean any building, structure, or container, other than an explosives manufacturing building, authorized for the storage of explosives. (See Article 4—Storage of explosives—for magazine classes.)

HISTORY

1. New section filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31).
2. New section filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).

§ 1559.14. "N" Definitions.

No definitions.

HISTORY

1. New section filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31).
2. New section filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).

§ 1559.15. "O" Definitions.

No definitions.

HISTORY

1. New section filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31).
2. New section filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).

§ 1559.16. "P" Definitions.

(a) Person shall mean any person, organization, firm, corporation, association, city, county, city and county, and state, and shall include any of their employees and authorized representatives.

(b) Phosphoric compounds shall mean two or more unmixed, commercially manufactured, prepackaged chemical compounds, including but not limited to hazardous materials, such as oxidizing, flammable liquids or solids, corrosive liquids or similar materials which are not independently classified as explosives, but when combined form a compound which is classified as an explosive.

(c) Propellant-actuated power devices shall mean any tool or special mechanized device or gas generator system which is actuated by a propellant or which releases and directs work through a propellant charge.

(d) Propellants shall mean solid propellants, commonly called smokeless powders, used in small arms ammunition, cannon, rockets, propellant-actuated power devices and similar devices.

(e) Public conveyance shall mean any railway car, street car, ferry, cab, bus, airplane or other vehicle which is carrying passengers for hire.

HISTORY

1. New section filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31).
2. New section filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).

§ 1559.17. "Q" Definitions.

No definitions.

HISTORY

1. New section filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31).
2. New section filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).

§ 1559.18. "R" Definitions.

(a) Railway shall mean any tramway, steam, electric, diesel electric, or other railway or railroad which carries passengers for hire on the particular line or branch in the vicinity where explosives are stored or where explosives manufacturing buildings are situated.

HISTORY

1. New section filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31).
2. New section filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).

§ 1559.19. "S" Definitions.

(a) Small arms ammunition shall mean ammunition of .75 caliber or less when designated as a Class C explosive by the U.S.D.O.T.

(b) Small arms ammunition primers shall mean small percussion sensitive explosive charges, encased in a cup, used to ignite propellants.

(c) Special industrial explosive devices shall mean explosive actuated power devices and propellant-actuated power devices.

(d) Special industrial explosive materials shall mean shaped materials and sheet forms and various other extrusions, pellets, and packages, of high explosives, which include dynamite, trinitrotoluene (TNT) pentaerythritol tetranitrate (PETN), cyclotrimethylene trinitramine (RDX), and other similar compounds used for high-energy-rate forming, expanding and shaping in metal fabrication, and for dismemberment and quick reduction of scrap metal.

HISTORY

1. New section filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31).
2. New section filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).

§ 1559.20. "T" Definitions.

(a) Tramway shall mean an aerial passenger tramway used to transport passengers by the use of overhead steel cables or by ropes, supported in one (1) or more spans.

HISTORY

1. New section filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31).
2. New section filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).

§ 1559.21. "U" Definitions.

(a) U.S.D.O.T. shall mean the United States Department of Transportation.

HISTORY

1. New section filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31).
2. New section filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).

§ 1559.22. "V" Definitions.

No definitions.

HISTORY

1. New section filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31).
2. New section filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).

§ 1559.23. "W" Definitions.

(a) Water gels, or slurry explosives shall mean a wide variety of materials used for blasting that contain substantial proportions of water and high proportions of ammonium nitrate, some of which is in solution in the water. Two broad classes of water gels are (a) those which are sensitized by a material classed as explosive, such as TNT or smokeless powder,

and (b) those which contain no ingredient classified as an explosive; these are sensitized with metals such as aluminum or with other fuels.

HISTORY

1. New section filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31).
2. New section filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).

§ 1559.24. "X" Definitions.

No definitions.

HISTORY

1. New section filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31).
2. New section filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).

§ 1559.25. "Y" Definitions.

No definitions.

HISTORY

1. New section filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31).
2. New section filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).

§ 1559.26. "Z" Definitions.

No definitions.

HISTORY

1. New section filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31).
2. New section filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).

§ 1560. Permit Limitations.

No permit shall authorize the conduct of any act not specified on the permit.

§ 1561. Records and Reports.

Permittees shall maintain and make available to the "Chief" having jurisdiction, records of the sale, delivery, gift or other disposition of explosives. Such records shall be kept on file for a period of not less than three years.

EXCEPTION: Permittees who are rendering a delivery service under a permit issued by the California Highway Patrol pursuant to Division 14 (commencing with Section 31600) of the Vehicle Code.

§ 1562. Buildings and Structures.

All buildings and structures used in the sale, use, handling, possession, and storage of explosives shall be subject to the provisions of these regulations.

§ 1563. Validity.

If any article, section, subsection, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional, contrary to statute, exceeding the authority of the State Fire Marshal, or otherwise inoperative, such decision shall not affect the validity of the remaining portion of these regulations.

Article 3. General Requirements

§ 1565. Explosives Manufacturing.

The manufacture of any explosive or explosive device described in these regulations shall be prohibited within any city, county, city and county, fire protection district, or the state, unless such manufacturing is authorized, in writing, by the "Chief" having jurisdiction. This shall not apply to hand loading of small arms ammunition prepared for personal use and not for resale, nor shall it apply to the field-mixing of phosphoric explosive compounds.

NOTE: Authority cited: Section 12081, Health and Safety Code. Reference: Sections 12000-12401 Health and Safety Code.

HISTORY

1. New Article 3 (Sections 1565, 1565.1 through 1565.3) filed 3-4-69; effective thirtieth day thereafter (Register 69, No. 10).

2. Amendment filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31).
3. Amendment filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).

§ 1565.1. Permits.

No person shall possess, keep, store, sell, or offer for sale, give away, use, transport, or dispose of in any manner any explosives except by permit from the "Chief" having jurisdiction, provided however that these limitations shall not apply to small arms ammunition of .75 caliber or less, cartridges for propellant-actuated power devices, and cartridges for industrial guns, 20 pounds or less of smokeless powder, 5 pounds or less of black sporting powder providing such smokeless or black sporting powder is for the hand loading of small arms or small arms ammunition of .75 caliber or less and that it is for personal use and not for resale.

HISTORY

1. Amendment filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31).
2. Amendment filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).
3. Amendment filed 2-7-75; effective thirtieth day thereafter (Register 75, No. 6).

§ 1565.2. Prohibited Locations.

No person shall sell, display or expose for sale any explosives on any highway, street, sidewalk, or public way.

§ 1565.3. Quantity Restriction.

The "Chief" having jurisdiction may restrict the quantity of explosives at any location within his area.

Subchapter 3. Storage

Article 4. General Storage

§ 1566. General.

The following substances shall be stored in magazines which meet the requirements of these regulations:

- (a) All Class A or B explosives
- (b) All nitro-carbo-nitrate substances
- (c) Mixed or combined phosphoric compounds stored independently of other explosives
- (d) Any or all mixed phosphoric compounds when stored with any other Class A, Class B or any Class C explosives listed in these regulations, which, except as provided in Section 1566.1, are themselves required to be stored in magazines.

EXCEPTIONS:

- (1) Small arms ammunition of .75 caliber or less when designated as a Class C explosive by the U.S.D.O.T.;
- (2) Propellant-actuated power cartridges;
- (3) Small arms ammunition primers;
- (4) Smokeless powder in quantities of 20 pounds or less or 5 pounds or less of black sporting powder, providing such smokeless powder or black sporting powder is for private use (not for resale) for the hand loading of small arms or small arms ammunition of .75 caliber or less;
- (5) Explosive-actuated power devices when in quantities of less than 50 pounds net weight of explosive;
- (6) Fuse lighters and fuse igniters;
- (7) Safety fuse (safety fuse does not include cordeau detonant fuse or detonating cord).

NOTE: Authority cited: Section 12081, Health and Safety Code. Reference: Sections 12000-12401, Health and Safety Code.

HISTORY

1. New Article 4 (Sections 1566, 1566.1 through 1566.7) filed 3-4-69; effective thirtieth day thereafter (Register 69, No. 10).
2. Amendment filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31).
3. Amendment filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).

4. Amendment of subsection (d)(4) filed 2-7-75; effective thirtieth day thereafter (Register 75, No. 6).

§ 1566.1. Caps and Primers.

Blasting caps, electric blasting caps, detonating primers, and primed cartridges shall not be stored in the same magazine with other explosives.

§ 1566.2. Surrounding Area.

The land surrounding magazines shall be kept clear of brush, dried grass, leaves, and other combustible materials for a distance of at least 50 feet. Magazine contents shall be protected from flooding.

§ 1566.3. Magazine Classification.

Magazines as required by these regulations shall be of two classes, namely: Class I magazines, and Class II magazines.

§ 1566.4. Magazine Quantity Limitations.

Class I magazines shall be required where the quantity of explosives stored is more than 100 pounds or in excess of 5,000 detonators. Class II magazines may be used where the quantity of explosives stored is 100 pounds or less, except that the "Chief" having jurisdiction may authorize the use of Class II magazines for the temporary storage, at blasting sites, of larger quantities of explosives.

§ 1566.5. Required Locations.

Class I magazines shall be located in conformity with the Table of Distances for Storage of Explosives as set forth in these regulations.

§ 1566.6. Magazines Within Buildings.

Except as provided in Section 1566.7, Class II magazines shall be located in conformity with the Table of Distances for the Storage of Explosives, but may, subject to the approval of the "Chief" having jurisdiction, be permitted in warehouses and in wholesale and retail establishments when located on a floor which has an exit at outside grade level and the magazine is located not more than 10 feet from such an exit. Two Class II magazines may be located in the same building when one is used only for blasting caps in quantities not in excess of 5,000 caps and a distance of 10 feet is maintained between magazines. The location of Class II magazines, within a building, shall not be changed without the prior approval of the "Chief" having jurisdiction.

§ 1566.7. Temporary Storage Locations.

When used for temporary storage at a site for blasting operations, Class II magazines shall be located away from neighboring inhabited buildings, railways, highways, and other magazines as required by the "Chief" having jurisdiction. A distance of at least 150 feet shall be maintained between Class II magazines and the work in progress.

Article 5. Storage Within Magazines

§ 1567. Methods of Storage.

Packages of explosives shall be laid flat with top side up. Black powder, when stored in magazines with other explosives, shall be stored in separate piles. Corresponding grades and brands shall be stored together in such a manner so that brands and grade marks are visible. All stocks shall be stored so as to be easily counted and checked. Packages of explosives shall be piled in a stable manner. When any kind of explosive is removed from a magazine for use, the oldest explosive of that particular kind shall always be taken first. The use of storage pallets is mandatory. NOTE: Authority cited: Section 12081, Health and Safety Code.

HISTORY

1. New Article 5 (Sections 1567, 1567.1 through 1567.9) filed 3-4-69; effective thirtieth day thereafter (Register 69, No. 10).

§ 1567.1. Unpacking and Tools.

Packages of explosives shall not be unpacked or repacked in a magazine containing over 100 pounds of explosives, nor within 50 feet of a magazine containing over 100 pounds of explosives, or in close proximity to other explosives. Fibre, rubber, or wooden tools shall be used to open cases of explosives, except that non-sparking metal slitters may be used

to open fibreboard cases. Opened packages of explosives shall be securely closed before being returned to a magazine.

§ 1567.2. Storage Prohibitions.

Magazines, while being used for storage of explosives, shall not be used for the storage of any metal tools or any other commodity except explosives. However, this restriction shall not apply to the storage of blasting agents and blasting supplies or to the storage of unmixed phosphoric compounds.

HISTORY

1. Amendment filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31).
2. Amendment filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).

§ 1567.3. Cleaning.

Magazine floors shall be regularly swept, kept clean, dry, free of grit, paper, empty used packages and rubbish. Brooms and other cleaning utensils shall not have any exposed spark-producing metal parts. Sweepings from the magazine floor and other rubbish shall be removed to a safe place and destroyed. Magazine floors stained with nitroglycerin shall be cleaned according to instruction by the explosives manufacturer.

§ 1567.4. Deteriorated Explosives.

When any explosive has deteriorated to any extent or shows obvious signs of deterioration, such as hardness, discoloration, excessive softness or hardness, or the package shows signs of moisture, the person in possession of such explosive shall immediately report the fact to the "Chief" having jurisdiction and upon his authorization shall proceed to destroy such explosive in accordance with the instructions of the "Chief" having jurisdiction, or the manufacturer of the explosive. Only competent experienced persons, at least 21 years of age, shall do the work of destroying explosives.

§ 1567.5. Packaging.

Except for explosives kept only at an explosive manufacturing plant, no person shall store any explosive which is not completely encased in a tight metal, wooden, or fiber container, or a container approved by the U.S.D.O.T.

§ 1567.6. Magazine Repairs.

When magazines are in need of inside repairs, all explosives shall be removed therefrom and the floors cleaned. In making outside repairs, if there is a possibility of causing sparks or fire the explosives shall be removed from the magazine. Explosives removed from a magazine, under repair, shall either be placed within another magazine or placed a safe distance from the magazine where they shall be properly guarded and protected until repairs have been completed, at which time they shall be returned to the magazine.

§ 1567.7. Smoking and Open Flames Prohibited.

Smoking, matches, open flames, spark-producing devices and firearms shall be prohibited inside of or within 50 feet of magazines. Combustible materials shall not be stored within 50 feet of magazines.

§ 1567.8. Stock Piling.

Provisions shall be made to prevent the piling of stocks of explosives directly against the walls of Class I magazines. Such protection, however, shall not in any way interfere with proper ventilation or the required ventilation openings.

§ 1567.9. Responsibility.

Magazines shall be in the charge of a competent person at all times who shall be at least 21 years of age, and who shall be held responsible for the enforcement of all safety precautions.

Subchapter 4. Use and Handling of Explosives

Article 6. General Explosives

§ 1568. General.

The use and handling of explosives is restricted to permittees, their employees and authorized representatives, who shall be at least 21 years of age; however, persons between the ages of 18 and 21 years may be permitted to use and handle such explosives if they are under the direct personal supervision of an experienced competent permittee, employee or authorized representative over the age of 21 years.

NOTE: Authority cited: Section 12081, Health and Safety Code Reference: Sections 12000-12401 inclusive, Health and Safety Code.

HISTORY

1. New Article 6 (Sections 1568, 1568.1 through 1568.9) filed 3-4-69; effective thirtieth day thereafter (Register 69, No. 10).

§ 1568.1. Smoking and Open Flames Prohibited.

While explosives are being used or handled, smoking shall not be permitted and no one near the explosives shall possess matches, lighters, open light or other fire or flame.

§ 1568.2. Alcohol and Narcotics.

No person shall use or handle explosives while under the influence of intoxicating liquors, or narcotics.

§ 1568.3. Explosives Containers.

Authorized containers or Class II magazines shall be used for taking detonators and other explosives from storage magazines to the blasting area.

§ 1568.4. Blasting Prohibitions.

(a) When blasting is done in congested areas or in close proximity to a structure, railway, or highway, or any other installation that may be damaged, the blast shall be covered before firing with a mat constructed so that it is capable of preventing fragments from being thrown.

(b) No person shall initiate blasting operations during that time of the year when burning permits are required (in the area of use) without having one of the following available for immediate use:

- (1) At least one back-pack type fire extinguisher of at least four (4) gallon capacity, or,
- (2) At least one round point shovel which has a minimum overall length of forty-six (46) inches.

§ 1568.5. Blast Warning Devices.

Persons authorized to prepare explosive charges or conduct blasting operations shall use every reasonable precaution, including but not limited to warning signals, flags, barricades, guards, or woven mats to insure the safety of the general public.

§ 1568.6. Blasting Times.

Blasting operations, except by special written permission of the "Chief" having jurisdiction, shall be conducted during daylight hours.

§ 1568.7. Protection of Facilities.

Whenever blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph or steam facilities, and flammable liquid and any similar lines, the blaster shall notify the appropriate representatives of such facilities, at least 24 hours, in advance of blasting, specifying the location and intended time of such blasting. In an emergency this time limit may be waived by the "Chief" having jurisdiction.

§ 1568.8. Precautions—Accidental Discharge.

Due precautions shall be taken to prevent accidental discharge of electric blasting caps from current induced by radar, radio transmitters, lightning, adjacent power lines, sand or dust storms, or other sources of extraneous electricity. These precautions shall include:

1. The suspension of all blasting operations and removal of persons from the blasting area during the approach and progress of an electric storm, or sand or dust storms.

2. The posting of signs warning against the use of mobile radio transmitters on all access roads between 1,000 feet and 3,000 feet of the blasting operations. The sign shall be in contrasting 8 inch letters on a white background and shall read: "BLASTING AREA—NO RADIO TRANSMITTING." Signs shall be displayed only at times of blasting.

3. No electric blasting shall be done under overhead electric lines, or at such distance where it is possible for the blasting line to be blown in contact with any electric line unless the power in the energized line is shut-off or unless shot blow deflectors, hold downs, mats, logs, or other material are placed over the charge to confine the blast.

4. When blasting near overhead electric lines, and when placing the lead and leg wires near these lines, the lead and leg wires shall not be placed parallel to the power line, and they shall be securely anchored.

§ 1568.9. Abandonment Prohibited.

No explosives shall be abandoned, but shall be returned to proper storage.

Article 7. Blast Hole Loading

§ 1569. Drill Hole Size.

All drill holes shall be sufficiently large to admit freely the insertion of the explosives.

NOTE: Authority cited: Section 12081, Health and Safety Code. Reference: Sections 12000–12401 inclusive, Health and Safety Code.

HISTORY

1. New Article 7 (Sections 1569, 1569.1 through 1569.4) filed 3–4–69; effective thirtieth day thereafter (Register 69, No. 10).

§ 1569.1. Drill Hole Loading.

No holes shall be loaded except those to be fired in the next round of blasting. After loading, all remaining explosives shall be immediately returned to proper storage.

§ 1569.2. Drill Hole Tamping.

Tamping shall be done only with wood rods without exposed metal parts, but non-sparking metal connectors may be used for jointed poles. Plastic tamping poles may be used, provided they have been approved by the Division of Industrial Safety. The end of the tamping rod shall be kept square and of such diameter that the tamping rod will not by-pass the cartridges in the hole. When explosives are loaded into a bore hole, tamping shall be by pressure or light blows only and never by violent ramming.

§ 1569.3. Drill Hole Examination.

Drilling shall not be started until all remaining butts of old holes are examined with a wooden stick for unexploded charges, and if any are found, they should be refired before other work proceeds.

HISTORY

1. Editorial correction of section heading (Register 95, No. 23).

§ 1569.4. Drill Hole Deepening.

Drill holes which have contained explosives shall not be re-drilled.

Article 8. Explosives Initiation

§ 1570. Blasting Cap Prohibitions.

Electric blasting caps only shall be used for blasting operations in congested districts, or on highways, or adjacent to highways open to traffic, or within brush or grass covered lands, except where sources of extraneous electricity make such use dangerous.

NOTE: Authority cited: Section 12081, Health and Safety Code. Reference: Sections 12000–12401 inclusive, Health and Safety Code.

HISTORY

1. New Article 8 (Sections 1570, 1570.1 through 1570.8) filed 3–4–69; effective thirtieth day thereafter (Register 69, No. 10).

§ 1570.1. Fuse Crimping.

When fuse is used, the blasting cap shall be securely attached to the safety fuse by a standard ring type cap crimper. Crimping with a knife or the teeth is expressly prohibited.

§ 1570.2. Primer Make-up.

Except for underground work, primers shall be made up only as required for each round of blasting.

§ 1570.3. Blasting Cap Preparation.

No blasting cap shall be inserted into the explosives without first making a hole in the cartridge for the cap with a wooden, non-sparking metal, or plastic punch of proper size or standard cap crimper.

§ 1570.4. Explosives Extraction.

Explosives shall not be extracted from a hole that has once been charged or has misfired unless it is impossible to detonate the unexploded charge by insertion of a fresh additional primer. If extraction is necessary it shall be done under the personal supervision of the blasting supervisor.

§ 1570.5. Explosives Misfires.

If there are any misfires while using cap and fuse, all persons shall remain away from the charge for at least *one (1) hour*. If electric blasting caps are used and a misfire occurs, this waiting period may be reduced to *thirty (30) minutes*. Misfires shall be handled under the direction of the person in charge of the blasting. All wires shall be carefully traced and a search made for unexploded charges.

§ 1570.6. Circuit Testing.

Blasters, when testing circuits to charged holes, shall use only blasting galvanometers designed for this purpose. All circuits containing ten (10) or more caps shall be tested.

§ 1570.7. Circuit Connections.

Only the man making leading wire connections in electrical firing shall fire the shot. All connections shall be made from the bore hole back to the source of firing current, and the leading wires shall remain shorted and not connected to the blasting machine or other source of current until the charge is to be fired.

§ 1570.8. Blast Warnings.

Before a blast is fired, a loud warning signal shall be given by the person in charge, who has made certain that all surplus explosives are in a safe place, all persons and vehicles are at a safe distance or under sufficient cover, and that an adequate warning has been given. He shall also ascertain that all entrances to the place or places where charges are to be fired are properly guarded.

Article 9. Explosives at Piers, Railway Stations and Cars or Vessels Not Otherwise Specified in These Rules and Regulations

§ 1571. General.

Except in an emergency and with permission of the "Chief" having jurisdiction, no person shall have or keep explosives in a railway car unless said car and contents and methods of loading are in accordance with the U.S.D.O.T. Regulations for the Transportation of Explosives.

NOTE: Authority cited: Section 12081, Health and Safety Code. Reference: Sections 12000–12401 inclusive, Health and Safety Code.

HISTORY

1. New Article 9 (Sections 1571, 1571.1 through 1571.7) filed 3–4–69; effective thirtieth day thereafter (Register 69, No. 10).

§ 1571.1. Cargo Delivery.

No person shall deliver any explosive to any person who does not possess and present a valid permit, or copy thereof, to receive and transport from the "Chief" having jurisdiction and/or the California Highway Patrol. In addition to the permit requirements, rail or truck terminal personnel shall not deliver any explosive to any person unless such explosive

conforms in all respects, including marking and packing, to the U.S.D.O.T. Regulations for the Transportation of Explosives.

§ 1571.2. Placarding at Destination.

Every railway car containing explosives which has reached its destination, or is stopped in transit so as no longer to be in interstate commerce, shall remain placarded as required until completely unloaded. After unloading, such placards shall be removed.

§ 1571.3. Explosives Location.

Any explosives at a railway facility, truck terminal, pier, wharf, harbor facility, or airport terminal, within any city, city and county, county, fire protection district, or the state, whether for delivery to a consignee, or forwarded to some other destination, shall be kept in a safe place which has been approved by the "Chief" having jurisdiction. In approving such location it is the intent that the explosives shall be isolated as far as practicable and in such manner that they can be easily and quickly removed.

§ 1571.4. Cargo Delivery Times.

Explosives shall not be delivered to or received from any railway station, truck terminal, pier, wharf, harbor facility, or airport terminal within a city, city and county, county, fire protection district, or the state between the hours of sunset and sunrise, except by special permit from the "Chief" having jurisdiction.

§ 1571.5. Fire Department Notification.

When explosives are brought into any city, city and county, county, fire protection district, or the state, by any means of transportation, for delivery to an intermediate receiver, consignee's agent or consignee, or to be forwarded to some other destination, the carrier performing the shipment shall immediately notify the consignee and when required, the "Chief" having jurisdiction of the arrival of the explosives, and if said consignee does not receive and remove the said explosives from the possession of the carrier within 48-hours (Sundays and holidays excluded), after such notification, then the railway, trucking firm, vessel agent, or airline shall remove the said explosives from the city, city and county, county, fire protection district, or state or to a permitted magazine or make a report to the "Chief" having jurisdiction, who shall see that the said explosives are moved to a place of safety.

§ 1571.6. Cargo Removal.

Any person having been notified, as consignee, of a shipment of explosives being in the hands of any carrier, within any city, city and county, county, fire protection district, or the state, shall remove the said explosives within 48-hours (Sundays and holidays excluded), after receiving such notification to a place meeting the requirements of these rules and regulations.

§ 1571.7. Facility Designation.

The "Chief" having jurisdiction has the authority to and may designate the location for, and limit the quantity of, explosives which may be loaded, unloaded, or temporarily retained at any facility within his jurisdiction.

Article 10. Blasting Agents

§ 1572. General.

Unless otherwise set forth in the Article, blasting agents shall be used, handled, and stored, in the same manner as other explosives.

NOTE: Authority cited: Section 12081, Health and Safety Code. Reference: Sections 12000–12401 inclusive, Health and Safety Code.

HISTORY

1. New Article 10 (Sections 1572, 1572.1 through 1572.7, 1572.10, 1572.20, 1572.30, 1572.40, 1572.50, 1572.60, 1572.70, 1572.80) filed 8–4–69; effective thirtieth day thereafter (Register 69, No. 10).

MIXING OF BLASTING AGENTS

§ 1572.1. Building Location.

Buildings or other facilities used for mixing blasting agents, shall be located, with respect to inhabited buildings, passenger railroads and pub-

lic highways, in accordance with the Table of Distances of these rules and regulations.

(a) Any ammonium nitrate stored at a closer distance to the blasting agent storage areas than as provided in (b) below shall be added to the quantity of blasting agents to calculate the total quantity involved for application of the aforementioned Table of Distances.

(b) Minimum intra-plant separation distances between mixing units and the ammonium nitrate storage areas and blasting agent storage areas shall be in conformity with the Table of Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents.

§ 1572.2. Mixer Design.

The design of the mixer should minimize the possibility of frictional heating, compaction, and especially, confinement. Open mixers are preferable to enclosed mixers. Bearings and gears should be protected against the accumulation of ammonium nitrate dust. All surfaces should be accessible for cleaning. Mixing and packaging equipment should be constructed of materials compatible with the fuel-ammonium nitrate composition.

§ 1572.3. Blasting Agent Composition.

The provisions of this Article shall be considered when determining blasting agent compositions. THE SENSITIVITY OF THE BLASTING AGENT SHALL BE DETERMINED BY MEANS OF A NO. 8 TEST BLASTING CAP AT REGULAR INTERVALS AND AFTER EVERY CHANGE IN FORMULATION, OR AS MAY BE REQUESTED BY THE "CHIEF" HAVING JURISDICTION.

(a) Oxidizers of small particle size, such as crushed prills or fines, may be more sensitive and hazardous than the ordinary prills and should be handled with greater care.

(b) No liquid fuel with flash point lower than that of No. 2 Diesel fuel oil (110F. minimum or equal) shall be used.

(c) Crude oil and crankcase oil shall not be used because they may contain light ends that offer increased vapor-explosion hazards or gritty particles that tend to sensitize the resulting blasting agent.

(d) If solid fuels are used, they shall be chosen so as to minimize dust-explosion hazard.

(e) Metal dusts (aluminum powder, etc.), peroxides, chlorates, or perchlorates shall not be used unless such operations are conducted in a manner approved by the "Chief" having jurisdiction.

(f) Unusual compositions shall not be attempted except under the supervision of competent personnel equipped to determine the overall hazard of the resulting compositions.

§ 1572.4. Facility Washdown.

Washdown facilities shall be provided. An automatic water-deluge system with adequate capacity is required to protect mixers and the finished-explosive storage area in the plant. Floors shall be constructed so as to eliminate open floor drains into which molten materials could flow and be confined in case of fire. The floors and equipment of the mixing and packaging room shall be washed down frequently to prevent accumulation of oxidizers or fuels and other sensitizers. The entire mixing and packaging plant shall be washed down periodically to prevent excessive accumulation of dust. 200.26Z–21

§ 1572.5. Smoking and Open Flames Prohibited.

Smoking or open flames shall not be permitted in or within 50 feet of any building or facility used for the mixing of blasting agents.

§ 1572.6. Rubbish Removal.

Empty oxidizer bags shall be disposed of daily in a safe manner.

§ 1572.7. Quantity Limitations.

Not more than one (1) day's production of blasting agents or the limit determined by the Table of Distances, whichever is less, shall be permitted in or near the mixing and packaging plant or area. Larger quantities shall be stored in separate warehouses or magazines.

§ 1572.10. Storage.

Blasting agents and oxidizers used for mixing of blasting agents shall be stored in the manner set forth in this Section.

(a) Blasting agents or ammonium nitrate, when stored in conjunction with explosives, shall be stored in the manner set forth in Article 4 for explosives. The mass of blasting agents and one-half the mass of ammonium nitrate shall be included when computing the total quantity of explosives for determining distance requirements.

(b) Semi-trailer or full-trailer vans used for highway or on-site transportation of the blasting agents are satisfactory for temporarily storing these materials, provided they are located in accordance with the Table of Distances with respect to inhabited buildings, passenger railways, and public highways and according to the Table of Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents with respect to one another. Trailers shall be provided with substantial means for locking, and the trailer doors shall be kept locked, except during time of placement and removal of stocks of blasting agents. Trailers shall be secured to prevent unauthorized movement.

§ 1572.20. Storage Building Locations.

Warehouses used for the storage of blasting agents separate from explosives shall be located as set forth in this Section.

(a) Warehouses used for the storage of blasting agents shall be located in accordance with the provisions of the Table of Distances with respect to inhabited buildings, passenger railways, and public highways, and according to the Table of Separation Distances of Ammonium Nitrate and Blasting Agents with respect to one another.

(b) If both blasting agents and ammonium nitrate are handled or stored within the distance limitations prescribed through Section 1582, one-half the mass of the ammonium nitrate shall be added to the mass of the blasting agent when computing the total quantity of explosives for determining the proper distance for compliance with the Table of Distances.

§ 1572.30. Smoking and Open Flames Prohibited.

Smoking, matches, open flames, spark producing devices and fire-arms shall be prohibited inside of or within 50 feet of any warehouse used for storage of blasting agents. Combustible materials shall not be stored within 50 feet of warehouses used for the storage of blasting agents. Approved smoking areas shall be established.

§ 1572.40. Building Maintenance.

The interior of warehouses used for storage of blasting agents shall be kept clean and free from debris and empty containers. Spilled materials shall be cleaned up promptly and safely removed. Combustible materials, flammable liquids, corrosive acids, chlorates or nitrites shall not be stored in any warehouse used for blasting agents unless separated therefrom by a fire resistive separation of not less than one hour resistance. The provisions of this Section shall not prohibit the storage of blasting agents together with non-explosive blasting supplies.

§ 1572.50. Stock Piling.

The height of piles shall not exceed seven (7) bags or six (6) feet. The width of piles shall not exceed twenty (20) feet and the length fifty (50) feet except that where the building is of noncombustible construction or is protected by automatic sprinklers the length of piles shall not be limited. In no case shall the ammonium nitrate be stacked closer than thirty-six (36) inches below the roof or supporting and spreader beams overhead, nor shall it be stacked closer than thirty (30) inches from the storage building walls and partitions. Aisles shall be provided to separate piles by a clear space of not less than thirty-six (36) inches in width. At least one service or main aisle in the storage area shall be not less than forty-eight (48) inches in width.

§ 1572.60. Blasting Prohibitions.

Caked oxidizers, either in bags or in bulk, shall not be loosened by blasting.

§ 1572.70. Personnel.

Every warehouse used for the storage of blasting agents shall be under the supervision of a competent person who shall be not less than 21 years of age.

§ 1572.80. Facility Designation.

The "Chief" having jurisdiction has the authority to and may designate the location for, and limit the quantity of blasting agents which may be loaded, unloaded, reloaded, or temporarily retained at any facility within his jurisdiction.

Article 11. Water Gels, or Slurry Explosives

§ 1573. General.

Unless otherwise set forth in this Article, water gels shall be stored, and used in the same manner as explosives in accordance with the classification of the product.

NOTE: Authority cited: Section 12081, Health and Safety Code. References: Sections 12000-12401 inclusive, Health and Safety Code.

HISTORY

1. New Article 11 (Sections 1573, 1573.1, 1573.2) filed 3-4-69; effective thirtieth day thereafter (Register 69, No. 10). 200.26Z-23

§ 1573.1. Mixing.

Water gels may be premixed at an explosives plant or mixed at the site immediately before delivery into the bore hole.

§ 1573.2. Storage.

Ingredients for on-site-mixed water gels shall be stored as set forth in this Section.

(a) Ingredients in themselves classified as Class A or Class B explosives shall be stored in conformity with Article 4.

(b) Ingredients, other than ammonium nitrate, not in themselves classified as explosives, shall be stored in warehouses which shall be non-combustible or fire-resistive.

(c) Prilled, grained, or granulated ammonium nitrate shall be stored in accordance with National Fire Protection Association Pamphlet 490, 1967 Edition, Code for the Storage of Ammonium Nitrate. If ammonium nitrate is stored in the vicinity of explosives or blasting agents, the separation distances specified in the Table of Separation distances of Ammonium Nitrate and Blasting Agents shall be observed.

(d) Liquid ammonium nitrate solutions shall be stored in tank cars, tank trucks, or permanent tanks in a location approved by the "Chief" having jurisdiction. Spills or leaks which may contaminate combustible materials shall be cleaned up immediately.

Article 12. Small Arms Ammunition, Small Arms Primers, Smokeless Powder and Black Sporting Powder

§ 1574. General.

The provisions of this Article do not apply to small arms ammunition of .75 caliber or less when designated as a Class C explosive by the U.S.D.O.T. or to in-process storage and intraplant transportation during manufacture of any caliber small arms ammunition, small arms primers, smokeless powder and black sporting powder.

NOTE: Authority cited: Section 12081, Health and Safety Code. Reference: Sections 12000-12401 inclusive, Health and Safety Code.

HISTORY

1. New Article 12 (Sections 1574, 1574.1 through 1574.8, 1575, 1575.1 through 1575.5) filed 8-4-69; effective thirtieth day thereafter (Register 69, No. 10).

§ 1574.1. Transportation.

Quantities, in shipping containers approved by the U.S.D.O.T., of not more than twenty (20) pounds of smokeless powder or not more than five (5) pounds of black sporting powder (or any combination thereof) may be transported in a private passenger vehicle without a permit.

§ 1574.2. Magazine—When Required.

Quantities in excess of twenty (20) pounds (but not exceeding fifty (50) pounds) of smokeless powder, or not more than five (5) pounds of black sporting powder (or any combination thereof) may be transported in a private passenger vehicle when approved by the “Chief” having jurisdiction, provided however, that such powder shall be transported in separate portable magazines having wooden walls of at least one (1) inch nominal thickness.

§ 1574.3. Transportation Prohibitions.

Transportation of quantities in excess of fifty (50) pounds of smokeless powder or five (5) pounds of black sporting powder is prohibited in a private passenger vehicle.

§ 1574.4. Transportation—U.S. Department of Transportation.

Transportation of quantities in excess of fifty (50) pounds of smokeless powder or five (5) pounds of black sporting powder in other than a private passenger vehicle shall be in accordance with the U.S.D.O.T. regulations.

§ 1574.5. Storage Containers.

All smokeless powder and black sporting powder shall be stored in U.S.D.O.T. approved shipping containers, or in a container approved by the “Chief” having jurisdiction.

§ 1574.6. Product Display.

Not more than twenty (20) pounds of smokeless powder, in containers of one (1) pound capacity, or more than one (1) pound of black sporting powder shall be displayed in commercial establishments. (Note: These quantity limitations may be waived by the “Chief” having jurisdiction when the powders are not handled by the public.) Commercial stocks of smokeless powder over twenty (20) pounds (but not exceeding one hundred (100) pounds) and stocks of black sporting powder over one (1) pound (but not exceeding twenty (20) pounds) shall be stored in separate approved wooden boxes having walls and covers of at least one (1) inch nominal thickness. Not more than fifty (50) pounds shall be permitted in any one box.

§ 1574.7. Commercial Stocks.

Commercial stocks of smokeless powder in quantities over one hundred (100) pounds (but not to exceed seven hundred fifty (750) pounds) and commercial stocks of black sporting powder in quantities over five (5) pounds (but not to exceed twenty (20) pounds) shall be stored in separate storage cabinets constructed of minimum one (1) inch nominal thickness lumber. Not more than four hundred (400) pounds of powder shall be permitted in any one cabinet.

§ 1574.8. Quantity Limitations.

Quantities over seven hundred fifty (750) pounds of smokeless powder and over twenty (20) pounds of black sporting powder shall be stored in Class I magazines constructed as specified in Article 14.

§ 1575. Primer Containers.

Small arms ammunition primers shall not be transported or stored except in the original shipping container approved by the U.S.D.O.T.

§ 1575.1. Transportation.

Truck or rail transportation of small arms ammunition primers shall be in accordance with U.S.D.O.T. regulations.

§ 1575.2. Transportation Prohibitions.

Not more than 250,000 small arms ammunition primers shall be transported in a private passenger vehicle.

§ 1575.3. Separation from Flammable Liquids.

Small arms ammunition primers shall be separated from flammable liquids, flammable solids (as classified by the U.S.D.O.T.) and oxidizing materials by a distance of 25 feet, or construction specified in Section 1576.2.

§ 1575.4. Required Magazine Use.

Quantities of small arms ammunition primers in excess of 750,000 shall be stored in magazines in accordance with Article 4.

§ 1575.5. Storage Limitations.

Not more than 750,000 small arms ammunition primers shall be stored in any one building, except as provided in Section 1591.6; not more than 100,000 shall be stored in any one pile, and piles shall be at least 15 feet apart.

Subchapter 5. Construction

Article 13. General Construction and Electrical Requirements

§ 1576. General.

The provisions of Chapter 2–62, Part 2, Title 24, CAC, are hereby adopted by reference for the purpose of providing building regulations relating to explosives.

NOTE: Authority cited: Section 12081, Health and Safety Code. Reference: Sections 12000–12401, inclusive, Health and Safety Code.

HISTORY

1. New Article 13 (Sections 1576, 1576.1, 1576.2) filed 3–4–69; effective thirtieth day thereafter. Approved by State Building Standards Commission (Register 69, No. 10).
2. Amendment of Section 1576 and repealer of Sections 1576.1 and 1576.2 filed 12–24–71; designated effective 2–1–72 (Register 71, No. 52).
3. Amendment filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48).

Article 14. Construction of Class I Magazines

§ 1577. General.

(a) Signs. Class I magazines shall be provided with signs on each side, reading “EXPLOSIVES—KEEP OFF” in RED letters not less than 4 inches in height having a stroke not less than 5/8 inch. The lettering shall be imposed upon a WHITE background. Location of the signs shall be within 100 feet of the magazine and shall be so placed that a bullet through a sign will not strike the magazine.

NOTE: Authority cited: Section 12081, Health and Safety Code. Reference: Sections 12000–12401 inclusive, Health and Safety Code.

HISTORY

1. New Article 14 (Section 1577) filed 3–4–69; effective thirtieth day thereafter. Approved by Building Standards Commission (Register 69, No. 10).
2. Amendment filed 12–24–71; designated effective 2–1–72 (Register 71, No. 52).
3. Amendment filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48).

Article 15. Construction of Class II Magazines

§ 1578. General.

Class II magazines shall be of wood, metal, or fiber, or a combination thereof, or any equivalent construction as approved by the “Chief” having jurisdiction.

NOTE: Authority cited: Section 12081, Health and Safety Code. Reference: Sections 12000–12401 inclusive, Health and Safety Code.

HISTORY

1. New Article 15 (Sections 1578, 1578.1 through 1578.5) filed 3–4–69; effective thirtieth day thereafter (Register 69, No. 10).

§ 1578.1. Construction Materials.

Class II magazines shall be constructed as follows:

- (a) Two inch nominal thickness hardwood, covered on the exterior with a minimum of No. 20 Manufacturers Standard Gage Steel, or,

(b) Two thicknesses of 1 inch thick plywood, covered on the exterior with a minimum of No. 20 Manufacturers Standard Gage Steel, or,

(c) Fiber, equal in strength to the wood as specified in Sections 1578.1(a) and 1578.1(b), covered on the exterior with a minimum of No. 20 Manufacturers Standard Gage Steel, or,

(d) A minimum of No. 14 Manufacturers Standard Gage Steel, lined on the interior with 1 layer of 1 inch thick plywood, or equivalent material.

All corners of Class II magazines shall be provided with substantial bracing or shall be of rabbeted joint construction. The interior shall have a smooth finish without cracks or crevices with all nails, screws, bolts and nuts countersunk. Exposed metal shall be covered so as not to come into contact with packages of explosives.

§ 1578.2. Covers and Locking.

Covers for Class II magazines shall be provided with substantial means of locking. Openings shall be kept locked except during the placement or removal of explosives. Magazines left at locations, where no one is in attendance, shall be secured in place.

§ 1578.3. Posting and Color.

Class II magazines shall be painted RED and shall bear lettering in WHITE, on all sides and the top, at least 3 inches high with a 1/2 inch stroke, which reads, "EXPLOSIVES."

NOTE: Smaller lettering than that specified may be used, when the size of the magazine prohibits use of the larger lettering.

§ 1578.4. Ventilation.

Where necessary due to climatic conditions, Class II magazines shall be properly ventilated.

§ 1578.5. Removal Provisions.

Class II magazines when located in warehouses, wholesale and retail establishments, or other approved locations, shall be provided with substantial wheels or casters to facilitate easy removal in the case of fire.

Article 16. Blasting Agents

§ 1579. General.

NOTE: Authority cited: Section 12081, Health and Safety Code. Reference: Sections 12000–12401 inclusive, Health and Safety Code.

HISTORY

1. New Article 16 (Sections 1579, 1579.1) filed 3–4–69; effective thirtieth day thereafter. Approved by State Building Standards Commission (Register 69, No. 10).
2. Amendment filed 12–24–71; designated effective 2–1–72 (Register 71, No. 52).
3. Repealer filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48.)

§ 1579.1. Building Construction—Storage.

HISTORY

1. Repealer filed 12–24–71; designated effective 2–1–72 (Register 71, No. 52).

Article 17. Electrical Requirements

§ 1580. General.

NOTE: Authority cited: Section 12081, Health and Safety Code. Reference: Sections 12000–12401 inclusive, Health and Safety Code.

HISTORY

1. New Article 17 (Sections 1580, 1580.1 through 1580.4) filed 3–4–69; effective thirtieth day thereafter. Approval of Sections 1580 and 1580.1 by State Building Standards Commission included (Register 69, No. 10).
2. Amendment of Section 1580 filed 12–24–71; designated effective 2–1–72 (Register 71, No. 52).
3. Repealer filed 11–27–79; effective thirtieth day thereafter (Register 79, No. 48).

§ 1580.1. Mixing Rooms—Blasting Agents.

HISTORY

1. Repealer filed 12–24–71; designated effective 2–1–72 (Register 71, No. 52).

§ 1580.2. Electrical Supply—On-Site (Field Operated) Mixed Water Gels.

If electric power is used it may be furnished by cable from an outside source or by a self-contained motor generator. In the case of a self-contained power source, it shall be located at the end of the storage container opposite that at which the blasting agent is discharged. The power source shall have adequate capacity for the loads to be expected and it shall be equipped with overload protection devices in accordance with the provisions of Sub-Article E 430–C, Part 3, Title 24, California Administrative Code.

§ 1580.3. Electrical Limitations—On-Site (Field Operated) Mixed Water Gels.

Electric wiring carrying voltages greater than 12 volts shall be in armored cable or in conduit and, if dry ingredients are employed, the wiring shall be in accordance with the provisions of Part 3, Title 24, California Administrative Code. The materials protecting the electric wiring must be of such composition so that they will not be chemically attacked by the ingredients being processed.

§ 1580.4. Electrical Requirements—Water Gels Mixed Equipment.

Mixing equipment for on-site (field operated) mixed water gels shall comply with the requirements of this section.

(a) All electric motors, and electrically operated proportioning devices shall be electrically bonded.

(b) All electric motors and electrically operated proportioning devices used for dry ingredients shall be in accordance with the provisions of Article E 430, Part 3, Title 24, California Administrative Code.

(c) The entire loading and mixing equipment shall be cleaned periodically to insure against accumulations of ingredients.

Subchapter 6. Tables of Distances

Article 18. Explosives

§ 1581. Table of Distances for Storage of Explosives

Explosives		Distances in Feet When Storage Is Barricaded			
Pounds Over	Pounds Not Over	Inhabited Buildings	Passenger Railways	Public Highways	Separation of Magazines
2	5	70	30	30	6
5	10	90	35	35	8
10	20	110	45	45	10
20	30	125	50	50	11
30	40	140	55	55	12
40	50	150	60	60	14
50	75	170	70	70	15
75	100	190	75	75	16
100	125	200	80	80	18
125	150	215	85	85	19
150	200	235	95	95	21
200	250	255	105	105	23
250	300	270	110	110	24
300	400	295	120	120	27
400	500	320	130	130	29
500	600	340	135	135	31
600	700	355	145	145	32
700	800	375	150	150	33
800	900	390	155	155	35
900	1,000	400	160	160	36
1,000	1,200	425	170	165	39
1,200	1,400	450	180	170	41
1,400	1,600	470	190	175	43
1,600	1,800	490	195	180	44
1,800	2,000	505	205	185	46
2,000	2,500	545	220	190	49
2,500	3,000	580	235	195	52
3,000	4,000	635	255	210	58
4,000	5,000	685	275	225	61
5,000	6,000	730	295	235	65
6,000	7,000	770	310	245	68
7,000	8,000	800	320	250	72
8,000	9,000	835	335	255	75
9,000	10,000	865	345	260	78
10,000	12,000	875	370	270	82
12,000	14,000	885	390	275	87
14,000	16,000	900	405	280	90
16,000	18,000	940	420	285	94
18,000	20,000	975	435	290	98
20,000	25,000	1,055	470	315	105
25,000	30,000	1,130	500	340	112
30,000	35,000	1,205	525	360	119
35,000	40,000	1,275	550	380	124
40,000	45,000	1,340	570	400	129
45,000	50,000	1,400	590	420	135
50,000	55,000	1,460	610	440	140
55,000	60,000	1,515	630	455	145
60,000	65,000	1,565	645	470	150
65,000	70,000	1,610	660	485	155
70,000	75,000	1,655	675	500	160
75,000	80,000	1,695	690	510	165
80,000	85,000	1,730	705	520	170
85,000	90,000	1,760	720	530	175
90,000	95,000	1,790	730	540	180
95,000	100,000	1,815	745	545	185
100,000	110,000	1,835	770	550	195
110,000	120,000	1,855	790	555	205
120,000	130,000	1,875	810	560	215
130,000	140,000	1,890	835	565	225
140,000	150,000	1,900	850	570	235
150,000	160,000	1,935	870	580	245
160,000	170,000	1,965	890	590	255
170,000	180,000	1,990	905	600	265
180,000	190,000	2,010	920	605	275
190,000	200,000	2,030	935	610	285
200,000	210,000	2,055	955	620	295
210,000	230,000	2,100	980	635	315
230,000	250,000	2,155	1,010	650	335
250,000	275,000	2,215	1,040	670	360
275,000	300,000	2,275	1,075	690	385

Notes to Table of Distances for Storage of Explosives

NOTE: 1—"Barricaded" means that a building containing explosives is effectually screened from a magazine, building, railway, or highway, either by a natural barricade, or by an artificial barricade of such height that a straight line from the top of any sidewall of the building containing explosives to the eave line of any magazine, or building, or to a point twelve feet above the center of a railway or highway, will pass through such intervening natural or artificial barricade.

NOTE: 2—"Natural Barricade" means natural features of the ground, such as hills, or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the magazine when the trees are bare of leaves.

NOTE: 3—"Artificial Barricade" means an artificial mound or rivetted wall of earth of a minimum thickness of three feet.

NOTE: 4—When a building containing explosives is not barricaded, the distances shown in the Table shall be doubled.

NOTE: 5—When two or more storage magazines are located on the same property, each magazine must comply with the minimum distances specified from inhabited buildings, railways, and highways, and in addition, they should be separated from each other by not less than the distances shown for "Separation of Magazines," except that the quantity of explosives contained in cap magazines shall govern in regard to the spacing of said cap magazines from magazines containing other explosives. If any two or more magazines are separated from each other by less than the specified "Separation of Magazines" distances, then such two or more magazines, as a group, must be considered as one magazine, and the total quantity of explosives

stored in such group must be treated as if stored in a single magazine located on the site of any magazine of the group, and must comply with the minimum of distances specified from other magazines, inhabited buildings, railways, and highways.

NOTE: 6—The permanent storage of more than 300,000 pounds of commercial explosives in one magazine or in a group of magazines which is considered as one magazine is not permitted except by specific approval of the enforcing official.

NOTE: 7—This table applies only to the manufacture and permanent storage of commercial explosives. It is not applicable to transportation of explosives, or any handling or temporary storage necessary or incident thereto. It is not intended to apply to bombs, projectiles, or other heavily encased explosives and small quantities in commercial establishments.

NOTE: 8—All types of blasting caps in strengths through No. 8 cap shall be rated at 1 1/2 pounds of explosives per 1,000 caps. For strengths higher than No. 8 cap, consult the chief having jurisdiction.

NOTE: 9—For quantity and distance purposes, detonating fuse up to 60 grains per foot, shall be calculated as equivalent to nine (9) pounds of high explosives per 1000 feet. Heavier cord loads shall be rated proportionally.

NOTE: Authority cited: Section 12081, Health and Safety Code, Reference: Sections 12000-12401 inclusive, Health and Safety Code.

HISTORY

1. New Article 18 (Section 1581) filed 3-4-69; effective thirtieth day thereafter (Register 69, No. 10).

Article 19. Ammonium Nitrate and Blasting Agents

§ 1582. Table of Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents.

Donor Weight		Minimum Separation Distance of Receptor When Barricaded ¹ (feet)		Minimum Thickness of Artificial Barricades ² (inches)
Pounds Over	Pounds Not Over	Ammonium Nitrate ³	Blasting Agent ⁴	
100	100	3	11	12
300	300	4	14	14
600	600	5	18	12
1,000	1,000	6	22	12
	1,600	7	25	12
1,600	2,000	8	29	12
2,000	3,000	9	32	15
3,000	4,000	10	36	15
4,000	6,000	11	40	15
6,000	8,000	12	43	20
8,000	10,000	13	47	20
10,000	12,000	14	50	20
12,000	16,000	15	54	25
16,000	20,000	16	58	25
20,000	25,000	18	65	25
25,000	30,000	19	68	30
30,000	35,000	20	72	30
35,000	40,000	21	76	30
40,000	45,000	22	79	35
45,000	50,000	23	83	35
50,000	55,000	24	86	35
55,000	60,000	25	90	35
60,000	70,000	25	94	40
70,000	80,000	28	101	40
80,000	90,000	30	108	40
90,000	100,000	32	115	40
100,000	120,000	34	122	50
120,000	140,000	37	133	50
140,000	160,000	40	144	50
160,000	180,000	44	158	50
180,000	200,000	48	173	50
200,000	220,000	52	187	60
220,000	250,000	56	202	60
250,000	275,000	60	218	60
275,000	300,000	64	230	60

Notes to Table of Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents

NOTE: 1—Separation distances to prevent explosion of ammonium nitrate and ammonium nitrate-based blasting agents by propagation from nearby stores of high explosives or blasting agents referred to in the Table as the "donor." Ammonium nitrate, by itself, is not considered to be a donor when applying this Table. If stores of ammonium nitrate are located within the sympathetic detonation distance of explosives or blasting agents, one-half the mass of the ammonium nitrate should be included in the mass of the donor. These distances allow for the possibility of high velocity metal fragments from mixers, hoppers, truck bodies, sheet metal structures, metal containers, and the like, which may enclose the "donor." These distances apply to the separation of stores only. The Table of Distances shall be used in determining separation distances from inhabited buildings, passenger railways and public highways.

NOTE: 2—When the ammonium nitrate and/or blasting agent is not barricaded, the distances shown in the Table shall be multiplied by six. Where storage is in bullet-resistant magazines recommended for explosives, or where the storage is protected by a bullet-resistant wall, distances and barricade thicknesses in excess of those prescribed in the Table of Distances are not required.

NOTE: 3—The distances in the Table apply to ammonium nitrate that passes the insensitivity test prescribed in the definition of ammonium nitrate fertilizer promulgated by the National Plant Food Institute; and ammonium nitrate failing to pass said test shall be stored at separation distances determined by competent persons and approved by the chief having jurisdiction.

NOTE: 4—These distances apply to nitro-carbo-nitrates and blasting agents which pass the insensitivity test prescribed in the DOT regulations.

NOTE: 5—Earth, or sand dikes or enclosures filled with the prescribed minimum thickness of earth or sand are acceptable artificial barricades. Natural barricades, such as hills or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the "donor" when the trees are bare of leaves, are also acceptable.

NOTE: 6—When the ammonium nitrate must be counted in determining the distances to be maintained from the inhabited buildings, passenger railways and public highways, it may be counted at one-half its actual weight because its blast effect is lower.

NOTE: 7—If any receptor and donor are separated from each other by less than the specified "Minimum Separation Distance of Receptor," then such receptor and donor, as a group, must be considered as one magazine, and the total quantity of explosives and blasting agents stored in such group must be treated as if stored in a single magazine located on the site of any magazine of the group and must comply with the minimum distances specified from other magazines, inhabited buildings, railways and highways.

NOTE: Authority cited: Section 12081, Health and Safety Code.

HISTORY

1. New Article 19 (Section 1582) filed 3-4-69; effective thirtieth day thereafter (Register 69, No. 10).

Subchapter 7. Forms

Article 20. Application

§ 1583. Application and Permit Forms.

The application and permit for explosives shall contain all the information on the following form and such other information as may be required by the issuing authority.

NAME AND ADDRESS OF ISSUING AUTHORITY (See Section 12007 Health and Safety Code)

APPLICATION AND PERMIT—EXPLOSIVES

Application & Permit No. _____ Application Date _____
 Fee: \$2.00 100 lbs. or less _____ Permit Date _____
 \$10.00 more than 100 lbs. _____ (Min. 7 day waiting period)

1. Permittee: _____ Blasters Permit No. _____
 Name _____ Address _____
 Age _____ (Min. 21) Hgt. _____ Wgt. _____ Eyes _____ Color _____ Hair _____ Color _____ Sex _____ Drivers _____ Lic. # _____
 Representing _____
 2. Vehicle for Trans: Make _____ Model _____ Yr. _____ Lic. No. _____
 State Registration _____ Travel Route & Safe Stopping Places _____
 3. Activity: Manufacture ☐ Store ☐ Receive and/or Transport ☐ Use ☐
 Sell or otherwise dispose ☐ Oper. Terminal ☐ Park Vehicle ☐
 4. Material: Type of Explosive _____ Quantity _____ lbs.
 How and/or where stored _____
 How and/or where used _____

I, the undersigned, certify that I understand and will abide by all Federal, State and local laws, ordinances, rules or orders to perform those acts noted herein. I also understand that all unused inventory covered by the permit on or before the expiration date will be disposed of in the following manner:

- (1) Returned to source
- (2) Totally destroyed
- (3) Turned over to the authority issuing the permit or reapply for a new permit.

APPLICANT'S SIGNATURE

APPROVAL

This permit is granted on _____ (Date) to perform those activities noted above, and will expire _____ (1 yr. max. from date of issue)
 The permittee is limited to perform these activities _____ times or during the tenure of the permit, subject to the conditions noted below. This permit is not transferable.

ISSUING AUTHORITY

Restrictions:

Distribution:

- (1) Permittee
- (2) Issuing Authority
- (3) Division of Law Enforcement, Department of Justice, P.O. Box 13387, Sacramento, CA 95813
- (4) Chief fire authority where explosives to be stored or used.

* Terminal Approvals shall be forwarded to: Enforcement Services Division
 California Highway Patrol, P.O. Box 898, Sacramento, California 95804

NOTE: Authority cited: Section 12081, Health and Safety Code. Reference: Sections 12000-12401 inclusive, Health and Safety Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 71, No. 5.

Subchapter 8. Component Explosives

Article 21. Plosophoric Compounds

§ 1584. Permits.

No person shall in any manner possess, keep, store, furnish, use, or dispose of any unmixed plosophoric compounds unless such person obtains a permit as provided by these regulations from the issuing authority designated by the governing body of the city, county, or city and county where the activity takes place.

NOTE: Authority cited: Section 12081, Health and Safety Code. Reference: Sections 12000-12401 inclusive, Health and Safety Code.

HISTORY

1. New Article 21 (Sections 1584-1584.4) filed 8-2-73 as an emergency; effective upon filing (Register 73, No. 31). For history of former article, see Register 71, No. 5
2. New Article 21 (Sections 1584-1584.4) filed 11-23-73 as an emergency; designated effective 11-30-73. Certificate of Compliance included (Register 73, No. 47).

§ 1584.1. Transportation.

Unmixed plosophoric compounds shall be transported subject to their classification in accordance with U.S.D.O.T. regulations governing hazardous materials. When permitted and where unmixed plosophoric compounds are transported with cargoes containing classified explosives such transportation shall be regulated by applicable permits to transport explosives. When the quantity or class of initiating devices are deemed to be explosives under the regulations of the U.S.D.O.T., an appropriate permit to transport such explosives with unmixed plosophoric compounds shall be required. Any vehicle transporting plosophoric compounds shall be capable of providing reasonable security for the safeguarding of the material in a manner consistent with the requirements for safeguarding explosives.

§ 1584.2. Storage—Warehouse.

The storage of plosophoric compounds in commercial warehouses shall not exceed 50,000 lbs. of materials classified as an oxidizing agent. The storage of all hazardous substances shall comply with the nationally recognized standards as published by the National Fire Protection Association. Unmixed plosophoric compounds shall be stored so that the individual components are separated by a space of at least 50 feet, or they shall be separated by a wall of not less than one-hour fire-resistive construction, with any opening protected with an approved one-hour fire-resistive door. When the plosophoric compounds are separated by the minimum 50 feet, the intervening space may be utilized for the storage of other materials which under no circumstances are incompatible with any of the plosophoric compounds. Where any material is incompatible with any plosophoric compound such materials shall be separated from the plosophoric compound by a wall of not less than one-hour fire-resistive construction, with any opening protected with an approved one-hour fire-resistive door.

Notwithstanding any provisions contained within the National Fire Protection Association standards referenced herein, the storage of all plosophoric compounds shall be secured against loss or theft.

§ 1584.3. Storage—Field.

The quantities of unmixed plosophoric compounds commonly utilized in the field shall be stored in a suitable container which provides adequacy of security against theft or loss. Adequate security shall mean that which is equivalent to the security provided for explosive materials. Plosophoric compounds may be stored in a building, an igloo or army-type structure, a tunnel, a dugout, a bin, a box, a trailer, a semi-trailer or other mobile facility.

§ 1584.4. Packaging.

No provisions of these regulations nor the standards referenced herein shall allow any person to repackage any compound from the original manufacturer's packaging unit. The manufacturer of phosphoric compounds shall package and ship only in units which have been determined to meet the standards for shipping of hazardous

Chapter 11. Transportation of Flammable Liquids in Cargo Tanks on Highways

NOTE: Authority cited: Section 34020, Vehicle Code. Reference: Sections 34001 to 34102, Vehicle Code.

HISTORY

1. Repealer of Subchapter 11 (§§ 1600 through 1828) and new Subchapter 11 (§§ 1600–1605, 1605.1, 1605.2, 1608, 1609, 1609.1, 1610–1612, 1620–1626, 1630–1634, 1640–1655, 1670–1680, 1700–1719, 1750–1754, 1775–1779, 1790–1796, 1800–1803, 1825–1830, 1850–1857, 1870–1875, 1880–1882, 1890–1908, 1910–1917) filed 7–1–70; effective thirtieth day thereafter (Register 70, No. 27). For prior history see Register 62, No. 17. (Ed. note—original regulations filed 8–22–62, designated effective 8–23–62.)
2. Repealer of Subchapter 11 (Articles 1–18, Sections 1600–1917, not consecutive) filed 7–11–85; effective thirtieth day thereafter (Register 85, No. 28). For prior history, see Registers 80, No. 46; 79, No. 19; 79, No. 11; 79, No. 9; 79, No. 4; 77, No. 45; 76, No. 26; 75, No. 47; 72, No. 52; 71, No. 41; and 71, No. 27.

Chapter 11.5. Gasoline Vapor Control Systems

Article 1. Administration

§ 1918. Title.

NOTE: Authority cited: Section 11349.1, Government Code. Reference: Sections 41954–41961, Health and Safety Code.

HISTORY

1. New Subchapter 11.5 (Sections 1918–1918.84, not consecutive) filed 4–18–77 as an emergency; effective upon filing (Register 77, No. 17).
2. Repealer of Subchapter 11.5 (Sections 1918–1918.84, not consecutive) and new Subchapter 11.5 (Sections 1918–1918.84, not consecutive) filed 8–12–77 as an emergency; designated effective 8–16–77. Certificate of Compliance included (Register 77, No. 33).
3. Editorial correction (Register 77, No. 51).
4. Repealer filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.1. Purpose.

These regulations establish minimum standards of fire safety for vapor recovery systems or components.

Any protective device or devices, including but not limited to impact valves, shear sections, flame arrestors or automatic fire checks may be required in addition to the components specified in these regulations, if in the judgement of the State Fire Marshal such additional means of protection from fire and explosion are necessary.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41956 and 41958, Health and Safety Code.

HISTORY

1. Amendment filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.2. Scope.

These regulations shall apply to all gasoline dispensing equipment containing a gasoline vapor control system when such system is required by the California Air Resources Board or any air pollution control agency having jurisdiction. The design, construction and installation requirements of such systems shall be applied uniformly throughout the State. NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41950 and 41960, Health and Safety Code.

HISTORY

1. Amendment filed 11–13–80; effective thirtieth day thereafter (Register 80, No. 46).

2. Amendment of NOTE filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.3. Authority.

NOTE: Authority cited: Section 11349.1, Government Code.

HISTORY

1. Repealer filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.4. Validity.

NOTE: Authority cited: Section 11349.1, Government Code.

HISTORY

1. Repealer filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.5. Local Ordinances.

NOTE: Authority cited: Section 11349.1, Government Code.

HISTORY

1. Repealer filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.6. Order of Precedence.

NOTE: Authority cited: Section 11349.1, Government Code.

HISTORY

1. Repealer filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.7. Violations.

NOTE: Authority cited: Section 11349.1, Government Code.

HISTORY

1. Repealer filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 41).

Article 2. Definitions

§ 1918.10. "A" Definitions.

(a) ARB. "ARB" means Air Resources Board (of California).

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41954, 41950 and 41962, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former Section 1918.10 to Section 1918.20, and renumbering and amendment of former Section 1918.20(a) to Section 1918.10 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.11. "D" Definitions.

(a) Dispensing Device. A unit assembly approved for installation consisting of a power-operated pumping unit, strainers, metering devices, valves, dispensing outlet(s) for hoses and dispensing nozzles designed to stop the discharge of liquid automatically when the control level of the dispensing nozzle is released.

(b) Dispensing Nozzle. A regulating mechanism with spout approved for installation in conjunction with a "dispensing device" which controls the flow of gasoline into fuel tanks, and returns vapors to an underground tank.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41954, 41950 and 41962, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former Section 1918.11 to Section 1918.21, and renumbering and amendment of former Section 1918.20(d) to Section 1918.11 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.12. "F" Definitions.

(a) Flame Arrestor. A device approved for installation in piping carrying a flammable vapor/air mixture, to prevent flame travel beyond the point of installation of the device.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41956, 41950 and 41962, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former Section 1918.12 to Section 1918.22, and renumbering and amendment of former Section 1918.20(f) to Section 1918.12 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.13. "G" Definitions.

(a) Gasoline. See Section 41950(c), Health and Safety Code.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41956, 41950 and 41962, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former Section 1918.13 to Section 1918.23, and renumbering and amendment of former Section 1918.20(g) to Section 1918.13 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.14. "I" Definitions.

(a) Impact Valve. A device approved for installation in piping which automatically closes by the activation of a fusible link through exposure to fire or severe physical impact, or both.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41956, 41950 and 41962, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former Section 1918.14 to Section 1918.24, and renumbering and amendment of former Section 1918.20(i) to Section 1918.14 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.15. "L" Definitions.

(a) Labeled. "Labeled" shall mean Systems or components bearing the label, symbol, or other identifying mark of a testing laboratory approved by the State Fire Marshal, or the label of the State Fire Marshal.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41956, 41950 and 41962, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former Section 1918.15 to Section 1918.25, and renumbering and amendment of former Section 1918.20(l) to Section 1918.15 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.16. "N" Definitions.

(a) Nozzle. See dispensing nozzle.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41954, 41950 and 41962, Health and Safety Code.

HISTORY

1. Renumbering of former Section 1918.16 to Section 1918.26, and renumbering and amendment of former Section 1918.20(n) to new Section 1918.16 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.17. "U" Definitions.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Section 41956, Health and Safety Code.

HISTORY

1. New section filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).
2. Repealer filed 10-28-2004; operative 10-28-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 44).

§ 1918.18. "V" Definitions.

(a) Vapor Recovery System. See Section 41952, Health and Safety Code.

(b) Vapor Balance System. A system designed to capture and retain, solely by means of displacement with or without processing, gasoline vapors emitted during dispensing operations.

(c) Vapor Assist System. A system whereby mechanical and/or chemical means are used to capture and retain, with or without processing, gasoline vapors emitted during dispensing operations.

(d) Vapor Processing Unit. Vapor Processing Equipment in one contiguous unit. Vapor processing unit shall not be construed interpreted to include inline flame arrestors, inline fire checks, pressure vacuum valves, inline check valves, and dispenser flow regulators.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41954, 41950 and 41962, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former Section 1918.20(v) to Section 1918.18 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

Article 3. Application for Certification

§ 1918.20. Application.

(a) Original. Any manufacturer desiring the certification and listing of any gasoline vapor recovery system or component part shall submit a completed application for evaluation and certification to the State Fire

Marshal on forms provided by him. Such form shall be accompanied by the fee for evaluation and certification as prescribed in Section 1918.25.

(b) Revision. Any manufacturer desiring a revision to be made to the original certified system or component shall submit a completed application for revision to the State Fire Marshal on forms provided by him. Such form shall be accompanied by the fee for evaluation and certification as prescribed in Section 1918.25.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41955, 41958, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former Section 1918.20(a) to Section 1918.10, Section 1918.20(d) to Section 1918.11, Section 1918.20(f) to Section 1918.12, Section 1918.20(g) to Section 1918.13, Section 1918.20(i) to Section 1918.14, Section 1918.20(l) to Section 1918.15, Section 1918.20(n) to Section 1918.16 and Section 1918.20(v) to Section 1918.18, and renumbering and amendment of former Section 1918.10 to Section 1918.20 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.21. Required Submissions for Certification.

(a) In addition to the application and fee required by this subchapter the State Fire Marshal may require that sample specimens, taken from regular production, be submitted to him for evaluation. The State Fire Marshal may require the assembly or erection of a sample specimen for evaluation purposes.

The applicant shall assume all responsibility relating to the assembly or erection of such specimen, including but not limited to the cost, liability and removal thereof. The applicant shall arrange for the removal of any specimen submitted to the State Fire Marshal or which has been assembled or erected pursuant to this section, within 60 days of notification by the State Fire Marshal. The State Fire Marshal may, at his discretion, dispose of any specimen submitted to him following the 60 day notification.

(b) Every application for evaluation and certification of a gasoline vapor recovery system or component part which is required by these regulations to be tested, shall be accompanied by a test report issued by an approved testing organization. Technical data shall be submitted with any application when required by the State Fire Marshal. Each application for an evaluation and certification of a gasoline vapor recovery system or component shall be accompanied by black-line drawings suitable for reproduction.

(c) Specimens submitted to laboratories for testing shall be from regular production. Acceptance for certification will not be considered on the basis of any examination of hand made equipment or products.

(d) The State Fire Marshal reserves the right to publish all or any part of any test report or technical data submitted to him and relating to a gasoline vapor recovery system or component. Manufacturing processes, ingredients or compounds of materials or equipment shall not be matters of public record.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41955 and 41958, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former Section 1918.11 to Section 1918.21 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.22. Labels.

(a) Every gasoline vapor recovery system or component which is certified by the State Fire Marshal, shall bear a label conforming to the provisions of this section. Labels shall be placed in a conspicuous location and shall be attached by the manufacturer during production or fabrication.

EXCEPTIONS:

(1) Systems or components which bear the label of an approved testing organization provided such organization conducts factory inspections of the material and workmanship during fabrication and assembly.

(2) Upon written request, the State Fire Marshal may exempt specified systems or components from the labeling requirement provided he finds such labeling impractical or impossible. In such cases however sufficient evidence shall be furnished indicating the means by which said systems or components may be reasonably identified.

(b) Labels shall be of sufficient size to render all data specified thereon, clear and legible.

(c) Labels shall be of a contrasting color to the material or equipment to which it is attached.

(d) Labels shall be produced or obtained by the manufacturer and such label shall be of the following configuration:



(1) Insert in the top scroll the name and address of the manufacturer.

(2) In the first bottom scroll insert the certification number issued by the State Fire Marshal and all other data as may be specified by the State Fire Marshal dependent upon its intended use.

(3) Insert in the bottom scroll the item certified. Examples: "Flame Arrestor"—"Impact Valve."

(e) Labels may be of any durable material and shall be attached to the certified systems or component in such a manner that any removal will cause destruction of the label.

(f) Prior to the use of any label, the manufacturer shall submit to the State Fire Marshal a sample of each label intended to be used with any certified system or component. Labels shall not be used until written approval has been received from the State Fire Marshal.

(g) No person shall attach any label conforming to the provisions of this section to any system or component which is not certified by the State Fire Marshal.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41958 and 41960, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former Section 1918.12 to Section 1918.22 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.23. Approved Testing Organization.

(a) For the purposes of this article, an approved testing organization shall mean any person, firm, corporation or association which conforms to all of the following:

(1) Equipped or has access to facilities which are equipped to perform tests in accordance with required test procedures.

(2) Employment of personnel who are qualified for testing. Evidence of such qualifications may include persons possessing registration as a Professional Engineer.

(3) Approved by the State Fire Marshal. Persons, firms, corporations, or associations desiring approval as a testing organization may initiate a request and present to the State Fire Marshal evidence of their qualifications which in the judgment of the State Fire Marshal is sufficient to grant approval.

Approval as a testing organization shall not be granted to any person, firm, corporation, or association for the purpose of conducting tests of materials or equipment manufactured, sold, or similarly processed or handled by such person, firm, corporation or association.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Section 41958, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former Section 1918.13 to Section 1918.23 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.24. Testing Equipment.

(a) Testing equipment used or intended to be used to determine a gasoline vapor recovery system or component's compliance with State Fire Marshal vapor recovery requirements shall be inspected and evaluated by the State Fire Marshal to determine conformance with required conditions for such testing equipment as set forth in the appropriate test standard.

(b) All testing equipment shall be maintained in good repair devoid of any defect which would affect the certification of any system or component to be tested.

(c) Any testing organization which desires State Fire Marshal approval shall be liable for the necessary advance arrangements for all costs incurred by one representative of the State Fire Marshal in conducting any service rendered under Section (a) above.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Section 41958, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former Section 1918.14 to Section 1918.24 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.25. Fees.

Each application for certification shall be accompanied by fees established by this section.

(a) The fee for evaluating any system and component shall be as follows:

(1) System (with or without processing including processing equipment, i.e., incinerator, refrigeration unit, carbon canisters, electrical controls)—\$100.00.

(2) Components (flame arrestors, pressure/vacuum valves, impact valves, dispensing nozzles, automatic fire checks, and similar devices)—\$50.00.

(b) Certification Fees. The fee for certification of systems or components—\$35.00.

(c) Evaluation and certification fees shall be submitted with each application for evaluation and certification. If the system or component is not found to be in conformance with the provisions of these regulations, the certification fee will be returned to the applicant. The evaluation fee will be retained by the State Fire Marshal to offset the costs incurred for evaluation of the submitted system or component.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Section 41961, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former Section 1918.15 to new Section 1918.25 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.26. Violations.

No person, firm, corporation or association shall knowingly or intentionally represent any system or component as being certified by the State Fire Marshal when such system or component is not so certified.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Section 41958, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former Section 1918.16 to new Section 1918.26 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

Article 4. Installation—Vapor Recovery

§ 1918.30. Dispensing Nozzles.

Dispensing nozzles shall be tested in accordance with applicable provisions of this subchapter.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41956 and 41958, Health and Safety Code.

HISTORY

1. Amendment filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.31. Vapor Check Valves.

Vapor check valves shall be provided in the vapor return line from each dispensing outlet to prevent the discharge of vapors when the hose nozzle valve is in its normal non-dispensing position. Such vapor check valves shall be tested in accordance with applicable provisions of this subchapter.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41956 and 41958, Health and Safety Code.

HISTORY

1. Amendment filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.32. Fuel Shut Down.

Means shall be provided to shut down fuel dispensing in the event the vapor return line becomes blocked in any manner that can cause a forceful ejection of liquid.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41956 and 41958, Health and Safety Code.

HISTORY

1. Amendment filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.33. Shear Sections.

Where vapor return piping is inside the dispenser enclosure or where it may impair the effective operation of an impact valve in the liquid pipe, a shear section shall be properly installed in the vapor return piping at the base of each dispenser. Properly installed means the shear section is mounted flush (plus/minus 3/4") with the top of the surface upon which the dispenser is mounted. Shear sections shall be tested in accordance with applicable provisions of this subchapter.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41956 and 41958, Health and Safety Code.

HISTORY

1. Amendment filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.34. Impact Valves.

Impact valves shall be tested in accordance with the applicable provisions of this subchapter. Impact valves shall be properly installed in all gasoline carrying piping when supplied by a remote pump and rigidly mounted at the base of each dispenser. Properly installed means that the shear section of the impact valve is mounted flush (plus/minus 3/4") with the top of the surface upon which the dispenser is mounted.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41956 and 41958, Health and Safety Code.

HISTORY

1. Amendment filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.35. Piping.

Piping shall comply with the following:

(a) Non-metallic piping, if used, shall be installed in accordance with the manufacturer's installation instructions.

(b) All vapor return piping and tank vents shall be installed so as to drain toward the gasoline storage tanks. There shall be no sags or traps in the vapor return piping in which any liquid may become trapped. Condensate tanks, if utilized, shall be installed and maintained so as to preclude the blocking of the vapor return lines by liquid.

(c) All vapor return and vent piping shall be provided with swing joints or any other State Fire Marshal approved connector at the base of the riser to each dispensing unit, at each tank connection, and at the base of the vent riser where it fastens to a building or other structure. When a swing joint is used in a riser containing a shear section, the riser must be rigidly supported.

(d) Tank vent pipes two inches or less in nominal inside diameter shall not be obstructed by any device unless the tank and its associated piping and other equipment is protected to limit back pressure development to less than the maximum working pressure of the tank, its associated piping and other equipment. Protection shall be afforded by the installation of

one of the following approved items: Pressure/vacuum vents, rupture disks or other tank venting devices installed in the tank vent pipes.

(e) Tank vent pipes shall terminate into the open atmosphere and shall be at least 12 feet above the adjacent ground level. The outlet shall vent upward or horizontally and be located so as to eliminate the possibility of vapors accumulating or traveling to a source of ignition or entering adjacent buildings.

(f) Vent pipes from tanks storing the same class of liquids may be connected into one outlet pipe. The vapor discharge capacity of manifolded vent piping shall be sufficient to limit back pressure development to less than the maximum working pressure of tanks, associated piping and other equipment when two tanks are filled simultaneously.

(g) Vent pipes shall be adequately supported throughout their length. When they are supporting weights in addition to their own, additional supports may be required.

(h) Piping systems servicing vapor balance recovery systems, installed after September 1, 1977 shall be pneumatically tested to 75 psig. Test pressure shall be maintained for at least 30 minutes, with the system sealed, and with a pressure loss not to exceed 3 psig.

(j) When there is any indication of a leak in an existing underground storage tank or piping system, the system shall be tested in accordance with and shall meet the criteria of 2001 Edition of the California Fire Code § 7901.11.

(k) Vapor pipes shall enter tanks only through the top of the tank. The end of vapor pipes shall not extend into the tank more than one inch. Float check valves attached to such vapor pipes may extend into the tank without distance restrictions.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41956 and 41958, Health and Safety Code.

HISTORY

1. Amendment of subsection (j) filed 11-13-80; effective thirtieth day thereafter (Register 80, No. 46).
2. Amendment filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).
3. Amendment of subsection (j) filed 10-28-2004; operative 10-28-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 44).

§ 1918.36. Tank Openings.

All tank openings, other than vent pipe openings, shall comply with the following:

(a) Vapor recovery openings shall be protected against vapor release by means of either a spring-loaded check valve, dry-break connection or other approved device. Combination fill and vapor recovery openings shall be protected against vapor release unless connection of the liquid delivery pipe to the fill pipe simultaneously connects the vapor recovery pipe. Tank vent pipes shall not be obstructed by any device which will allow back pressure development in the storage tanks.

(b) All connections, which are made and broken, shall be located outside of buildings at a location free from any source of ignition and at least ten feet from any building openings. Such connections shall be closed, liquid and vapor tight when not in use and each opening shall be properly identified as to its function.

(c) Separate fill pipe openings and vapor recovery openings shall be of different sizes, or the hose connection utilized shall be incompatible so as to eliminate the possibility of cross connections.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41956 and 41958, Health and Safety Code.

HISTORY

1. Amendment filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.37. Gasoline Storage Tanks.

Gasoline storage tanks used in conjunction with vapor recovery systems shall comply with the 2001 Edition of the California Fire Code, Article 79.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41956 and 41958, Health and Safety Code.

HISTORY

1. Amendment filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

2. Amendment filed 10-28-2004; operative 10-28-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 44).

Article 4.5. Installation—Vapor Balance Systems—With Processing

NOTE: Authority cited: Section 11349.1, Government Code.

HISTORY

1. Repealer of Article 4.5 (Section 1918.40) filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

Article 5. Installation—Vapor Recovery Systems—With Processing

§ 1918.60. General.

In addition to the requirements set forth in Article 4, Vapor Recovery Systems—With Processing shall install the following equipment and shall comply with the requirements set forth for equipment location, mounting and protection.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41956 and 41958, Health and Safety Code.

HISTORY

1. Repealer of former Article 5 (Sections 1918.50–1918.58), including renumbering of Section 1918.55 to Section 1918.61, and renumbering of former Article 5.5 (Sections 1918.60–1918.64) to new Article 5 (Sections 1918.60–1918.65) filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.61. Flame Arrestors.

If the operation of the system will produce a flammable mixture in the piping which will carry it to the storage tanks, an approved flame arrestor, tested in accordance with the applicable provisions of Article 7, shall be properly installed in vapor return piping between the shear section and the storage tank.

EXCEPTION: An approved automatic fire check may be installed in lieu of an approved flame arrestor.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41956 and 41958, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former Section 1918.61 to Section 1918.62, and renumbering of former Section 1918.55 to Section 1918.61 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.62. Automatic Fire Checks.

Positive means of automatic isolation of tanks may be required in vapor return piping to prevent flashback from reaching the tanks.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41956 and 41958, Health and Safety Code.

HISTORY

1. Renumbering of former Section 1918.62 to Section 1918.63, and renumbering and amendment of former Section 1918.61 to Section 1918.62 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.63. Equipment Mounting.

Vapor processing units shall be securely mounted on concrete, masonry or structural steel supports or other noncombustible foundations.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41956 and 41958, Health and Safety Code.

HISTORY

1. Renumbering of former Section 1918.63 to Section 1918.64, and renumbering of former Section 1918.62 to Section 1918.63 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.64. Processing Equipment Location.

(a) All ignition sources of vapor processing equipment shall be located not less than 18 inches above any tank fill opening, the top of the dispenser island, or grade, whichever is highest. The equipment shall also be located not less than 50 feet from any fuel transfer area and not less than 10 feet from the nearest building or property line which may be built upon.

EXCEPTIONS:

(1) Nothing in this section shall prohibit roof mounted equipment.

(2) When reduction of the required 50 feet clearance from the fuel transfer area is necessary, as determined by the enforcing authority, ignition sources of vapor processing units shall be installed in conformance with the following table:

<i>Clear Distance Available (Ft)</i>	<i>Required Height Above grade (Inches)</i>
50	18
40	30
30	42
20	48

When the minimum 20 feet required distance, as specified in the above table, cannot be obtained because of site configuration a minimum height of 12 feet from any ignition source shall be provided for the equipment, or construction enclosure requirements as set forth in (c) of this section shall apply.

In no instance shall any cargo tank be permitted within the minimum 20 foot clearance during delivery operations.

(b) When the processing unit location site is lower than the tank fill opening or the top of the dispenser island, the difference in elevation shall be added to the elevation requirements set forth in (a) of this section.

(c) When the required 10 foot distance to an adjacent property line which may be built upon cannot be obtained, an open-top enclosure of not less than 2-hour noncombustible fire-resistive construction which shall extend from the mounting base or slab to an elevation not less than 18 inches higher than the highest elevation of the processing equipment shall be provided on the property line side. Doors installed in the enclosure walls shall be of noncombustible construction including the door frames. Ventilation openings, except in the property line wall, shall be provided at slab level to eliminate the accumulation of flammable vapors within the enclosure as deemed necessary by the enforcing authority having jurisdiction.

(d) Where site configuration makes adherence to equipment location elevation requirements impossible or impracticable and the equipment is located below grade or within roofed enclosures, such below grade or roofed area shall be provided with mechanical ventilation providing not less than 6 complete air changes per hour at all times. All such equipment shall meet Class 1, Division 1 requirements as set forth in Part 3, Title 24, CAC.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41956 and 41958, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former Section 1918.64 to Section 1918.65, and renumbering of former Section 1918.63 to Section 1918.64 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.65. Vapor Processing Unit Protection.

Fences, bumper posts and other control measures, as determined by the authority having jurisdiction, shall be provided to protect vapor processing unit installations against tampering, trespassing, and vehicular traffic. The area shall be kept clear of combustible materials of any nature within 10 feet of the vapor processing unit installation unless the unit is enclosed as specified in (c) of Section 1918.64.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41956 and 41958, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former Section 1918.64 to Section 1918.65 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

Article 6. Electrical

§ 1918.70. Electrical Requirements.

(a) General. All electrical equipment and wiring shall comply with the requirements set forth in Part 3, Title 24, California Administrative Code.

(b) Emergency Pump Cut-Off. All electrically energized vapor collection equipment shall be directly connected to, and controlled by, an emergency pump cut-off switch.

(c) Cut-Off Switch Location. The emergency pump cut-off switch shall be located in a readily accessible and clearly visible location, outside of any enclosure, within 75 feet of but no closer than 15 feet to any gasoline dispenser.

(d) Labeling. The emergency pump cut-off switch shall be clearly and legibly labeled as to its function.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41956 and 41958, Health and Safety Code.

HISTORY

1. Amendment filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

Article 7. Standards for the Certification of Gasoline Vapor Recovery Equipment

§ 1918.80. Scope.

This standard article represents the minimum basic requirements for the construction and operating performance standards of gasoline vapor recovery equipment for purposes of approval and certification by the State Fire Marshal. The minimum design, construction and operating performance standards set forth herein are those deemed as necessary to provide a reasonable degree of safety from fire and explosion in conformance to the regulations adopted by the State Fire Marshal pursuant to Section 41954 through 41961, inclusive, Health and Safety Code, and when applicable shall be reported on in their entirety by approved testing laboratories.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41956 and 41958, Health and Safety Code.

HISTORY

1. Amendment filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.81. Test Reports.

The report shall include failure analysis engineering data, wiring diagrams, operating and maintenance manuals and photographs, together with the tests performed and the results thereof.

The reports shall include the catalog number or other readily identifiable marking, the laboratory test report number and date. Such individually tested components of a system when installed in combination with other components shall be subjected to the performance standard tests to determine their suitability for use in combination with other component parts or equipment.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41956 and 41958, Health and Safety Code.

HISTORY

1. New NOTE filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.82. Equipment Standards.

(a) General. Equipment utilized in gasoline vapor recovery shall be tested according to the requirements set forth in the following applicable standards.

(1) Flame Arrestors. Flame Arrestors to be installed in either fuel, vapor, or vent lines shall be tested in accordance with the requirements of U.L. Standard 525, available from Underwriters Laboratories, Inc., 333 Pfingsten Road, Northbrook, IL 60062, and as approved by the State Fire Marshal.

(2) Hose Nozzle Valves. Hose nozzle valves used in conjunction with gasoline vapor recovery systems shall be tested in accordance with the requirements of U.L. Standard 842, available from Underwriters Laboratories, Inc., 333 Pfingsten Road, Northbrook, IL 60062, and as approved by the State Fire Marshal.

(3) Carbon/Charcoal Canisters. Carbon/charcoal canisters utilized in gasoline vapor recovery systems shall withstand, without failure, a test pressure of plus or minus 150% of the maximum operating pressure. The canister material shall also be able to withstand temperatures created by the materials contained therein.

(4) Pressure Regulators. Gasoline vapor pressure regulators utilized in a vapor recovery system shall be approved for the intended use.

(5) Ignition Controls. Ignition controls including, but not limited to, such devices as flame detectors, flame sensors, ignition transformers, electrical control units, alarms, flame indicators, utilized as a component of a gasoline vapor recovery system shall be approved by the State Fire Marshal for its intended use.

(6) Refrigeration Units. Refrigeration units utilized in processing vapors in gasoline vapor recovery systems shall be approved for their intended use.

(7) Pressure/Vacuum Valves. Pressure/vacuum valves utilized in gasoline vapor recovery systems shall be approved by the State Fire Marshal for their intended use.

(8) Internal Explosion/Ignition Test. The processing unit shall be subjected to a series of internal explosion/ignition tests, during performance/operation safety testing, such that ignition of an explosion air/gasoline vapor mixture occurs within the confines of the processing unit piping. The explosion shall not propagate beyond the inlet Flame Arrestor(s). The processing unit and Flame Arrestors shall provide a degree of isolation between other installation components and the processing unit, and between the processing unit and the remainder of the installation, and between the processing unit and the storage tank. The operating function of the unit, shall not be impaired as a result of such tests. Adequate sensors shall be utilized to insure that: (1) an explosive gasoline/air vapor mixture was present; (2) that an ignition of the vapor mixture did occur; and (3) that the safeguards installed in the processing unit did function.

(9) Other Equipment. Such other equipment which may be utilized in gasoline vapor control systems shall also be tested to applicable standards as may be determined necessary by the State Fire Marshal.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41956 and 41958, Health and Safety Code.

HISTORY

1. Amendment filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.83. Structural Integrity.

(a) Wind Loads. The completely assembled vapor processing unit shall be subjected to a wind loading velocity of not less than 60 MPH for a period of not less than 10 minutes. At the conclusion of this test there shall be no evidence of damage to the unit or its function.

(b) Dead Load Test. All portions of the assembled vapor processing unit, which may be stepped upon, shall be subjected to a dead load test of not less than 200 pounds. At the conclusion of such loading there shall be no evidence of damage to the unit, platform, structural frame or plumbing or their function.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41956 and 41958, Health and Safety Code.

HISTORY

1. New NOTE filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

§ 1918.84. Drop Test.

The complete processing unit and its platform (base) shall be subjected to four drop tests. The drop tests shall consist of sequentially raising each side of the base not less than 6 inches and allowing the base to drop freely. The operating function of the unit shall not be impaired as the result of such tests.

NOTE: Authority cited: Section 41956, Health and Safety Code. Reference: Sections 41956 and 41958, Health and Safety Code.

HISTORY

1. New NOTE filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 41).

Chapter 12. Portable Internal Combustion Engine-Driven Pumps

NOTE: Authority cited for Subchapter 12; Section 13151, Health and Safety Code. Reference: Sections 13150–13153, Health and Safety Code.

HISTORY

1. New Subchapter 12 (§§ 2000 through 2015) filed 7–29–70; effective thirtieth day thereafter (Register 70, No. 31).
2. Repealer of Subchapter 12 (Articles 1–3, Sections 2000–2015) filed 4–20–84; effective thirtieth day thereafter (Register 84, No. 16).

Chapter 13. California Fire Service Training and Education Program

Article 1. Administration

§ 1980.00. Title.

These regulations shall be known as the “Training Regulations of the State Fire Marshal” and shall constitute the basic State Fire Marshal training standards of the California Fire Service Training and Education Program which includes the California Fire Service Training and Education System (CFSTES) and the California Fire Service Training and Education Program (FSTEP). They may be cited as such and will be referred to herein as “these regulations”.

NOTE: Authority cited: Sections 13155–13159.4 and 13159.7–13159.10, Health and Safety Code.

HISTORY

1. New chapter 13 (articles 1–2, sections 1980.00–1990.13), article 1 (sections 1980.00–1980.7) and section filed 8–7–2008; operative 9–6–2008 (Register 2008, No. 32).

§ 1980.01. Purpose.

These regulations establish minimum standards for a statewide training and certification system for the California fire service.

NOTE: Authority cited: Sections 13156(a)–(b) and 13156(e), Health and Safety Code.

HISTORY

1. New section filed 8–7–2008; operative 9–6–2008 (Register 2008, No. 32).

§ 1980.02. Scope.

(a) These regulations shall govern the California Fire Service Training and Education Program established in the Office of State Fire Marshal.

(b) These regulations shall govern the development and maintenance of the California Fire Service Training and Education Program including:

(1) Curriculum development and delivery (in accordance with Sections 13157(b) and 13159.8(b) of the Health and Safety Code),

(2) Instructor requirements (in accordance with Sections 13159(b), 13159.8(a) of the Health and Safety Code),

(3) Accreditation of regional and local academies and training facilities (in accordance with Sections 13159(d), 13159.8(b) and (f) of the Health and Safety Code),

(4) Establish safety policies and administrative procedures for the management of the training system (in accordance with Sections 13156(a), (b), (e), (f), 13157(a)(c) and 13158 of the Health and Safety Code).

(c) These regulations shall govern the fees established by the California Fire Service Training and Education Program in accordance with Sections 13157(d) and (e) and 13159.8(e) of the Health and Safety Code.

NOTE: Authority cited: Sections 13155–13159.4 and 13159.7–13159.10, Health and Safety Code.

HISTORY

1. New section filed 8–7–2008; operative 9–6–2008 (Register 2008, No. 32).

§ 1980.03. Participation in the California Fire Service Training and Education Program.

The recommended minimum standards established in these regulations shall not apply to any agency of the state or any agency of any political subdivision within the state unless that agency elects to be subject to these standards.

NOTE: Authority cited: Section 13159.8(h), Health and Safety Code.

HISTORY

1. New section filed 8–7–2008; operative 9–6–2008 (Register 2008, No. 32).

§ 1980.04. Program Management.

The State Fire Marshal, with policy guidance and advice from the Statewide Training and Education Advisory Committee (STEAC) and/or the State Board of Fire Services (SBFS), is responsible for the management and coordination of the California Fire Service Training and Education Program.

In carrying out these responsibilities of the California Fire Service Training and Education Program the State Fire Marshal shall maintain control over the quality and consistency of CFSTES and FSTEP instructors, facilities, and curriculum.

NOTE: Authority cited: Section 13142(a), 13142(c), 13157, 13158, 13159, 13159.1, 13159.4, 13159.7, 13159.8 and 13159.9, Health and Safety Code.

HISTORY

1. New section filed 8–7–2008; operative 9–6–2008 (Register 2008, No. 32).

§ 1980.05. Enforcement of Regulations.

The provisions of these regulations shall be enforced upon any agency of the state or any agency of any political subdivision within the state that elects to be subject to the enforcement of these standards by the State Fire Marshal, the Division Chief of State Fire Training, State Fire Training staff and/or representatives within the fire service community authorized by the State Fire Marshal.

NOTE: Authority cited: Section 13157(a), Health and Safety Code.

HISTORY

1. New section filed 8–7–2008; operative 9–6–2008 (Register 2008, No. 32).

§ 1980.06. Petition for Alternative Application to Methods and Procedures.

The State Fire Marshal designates the Division Chief of State Fire Training as the Administrative Manager of the California Fire Service Training and Education Program in accordance with Section 13158, 13159, 13159.1, 13159.4, 13159.8 of the Health and Safety Code.

(a) The Division Chief of State Fire Training shall review and approve, or deny, written petitions for alternative applications to the methods and procedures incorporated by reference to this regulation in Section 1980.00.

(b) The cause and/or reasoning behind a denied petition for an alternative application to methods and procedures will be provided to the petitioner in writing.

NOTE: Authority cited: Section 13157(a) and 13158, Health and Safety Code.

HISTORY

1. New section filed 8–7–2008; operative 9–6–2008 (Register 2008, No. 32).

§ 1980.07. Appeals to Alternative Application to Methods and Procedures.

When a written petition for an alternative application to the methods and procedures has been denied by the Division Chief of State Fire Training, the applicant may file an appeal to the Statewide Training and Education Advisory Committee (STEAC) and/or the State Board of Fire Services (SBFS).

(a) The cause and/or reasoning behind a denied petition for an alternative application to methods and procedures will be provided to the petitioner in writing.

(b) If the petition is again denied, the applicant can appeal in writing directly to the State Fire Marshal for reconsideration. The decision of the State Fire Marshal shall be final and binding.

NOTE: Authority cited: Section 13157, 13159 and 13159.8, Health and Safety Code.

HISTORY

1. New section filed 8–7–2008; operative 9–6–2008 (Register 2008, No. 32).

Article 2. General Provisions

§ 1990.00. Incorporated References.

Administrative procedures for the California Fire Service Training and Education Program shall consist of the following documents incorporated by reference: "State Fire Training Procedures Manual (May 2008)", "Course Information and Required Materials Manual (May 2008)" and the "Curriculum Development Guidelines (January 2008)". Registered instructors and State Fire Marshal staff shall ensure that all applicable instructions in the incorporated referenced documents are followed to become a registered instructor and to instruct State Fire Marshal FSTEP and CFSTES courses.

(a) The following forms, in the format developed by the Office of the State Fire Marshal, which are incorporated by reference, can be found in the adopted "State Fire Training Procedures Manual, Appendix A (May 2008)."

- (1) Application for Certification Fee Schedule (May 2008)
- (2) Request for CFSTES Course Scheduling (May 2008)
- (3) Request for EMT Course Scheduling (May 2008)
- (4) Request for EMT Re cert via CE Course Scheduling (May 2008)
- (5) Request for FSTEP Course Scheduling (May 2008)
- (6) Request for LARR Operational Course Scheduling (May 2008)
- (7) Request for Rescue Systems 1 Course Scheduling (May 2008)
- (8) Bookstore Order Form (May 2008)
- (9) Instructor Application (May 2008)

NOTE: Authority cited: Section 13157, Health and Safety Code.

HISTORY

1. New article 2 (sections 1990.00–1990.13) and section filed 8–7–2008; operative 9–6–2008 (Register 2008, No. 32).

§ 1990.01. Course Development.

Development of courses to be accredited by the State Fire Marshal for both CFSTES and FSTEP shall follow all procedures in the "Course Development Guidelines (January 2008)" incorporated by reference in Section 1990.00.

NOTE: Authority cited: Section 13159(d) and 13159.8(b), Health and Safety Code.

HISTORY

1. New section filed 8–7–2008; operative 9–6–2008 (Register 2008, No. 32).

§ 1990.02. Accredited and Approved Course Curriculum and Course Certificate.

Registered instructors shall not delete any material from an accredited or approved curriculum, as referenced in the "Course Information and Required Materials Manual (May 2008)," unless approved in writing by the Division Chief of State Fire Training per Section 1980.06, CCR.

(a) This section shall not prohibit registered instructors from adding additional material which exceeds the minimum requirements established for the course curriculum, with the condition that additions do not conflict with the established State standards and recognized procedures pursuant to this regulation.

(b) An accredited course is a class that meets the State Fire Marshal (SFM) minimum course construction and includes some form of examination or evaluation to determine student competency.

(1) A student successfully completing an accredited course will receive a certificate that can lead to position certification in a specialized career track within the California Fire Service Training and Education System (CFSTES).

(c) An approved course is a class approved by the State Fire Marshal and shall meet minimum course construction and follow procedures in the "Course Development Guidelines (January 2008)" incorporated by reference in Section 1990.00.

(1) Approved courses shall include some form of evaluation of student competency.

(2) A student successfully completing an approved course will receive a course completion certificate. All approved courses are classified as the

Fire Service Training and Education Program (FSTEP) which does not lead to certification.

NOTE: Authority cited: Section 13157(b), 13159.1(a) and 13159.8(b), Health and Safety Code.

HISTORY

1. New section filed 8–7–2008; operative 9–6–2008 (Register 2008, No. 32).

§ 1990.03. Accredited Course Certifying Examinations.

(a) Certified written exams for accredited courses listed in the Course Information and Required Materials Manual shall only be developed and revised under the supervision of State Fire Training.

(b) Certified written exams shall only be administered, corrected, and scored by a primary instructor or representative of the Accredited Local Academy or Accredited Regional Training Program.

(c) No registered instructor or staff working with a registered instructor is permitted to reveal to any student the answers to any certified exam, including any previous editions to the exam.

(d) Registered instructors shall use the most current revision of the certified written exam available from the State Fire Marshal.

(e) Any student who fails to pass a certification exam after two attempts shall be required to retake the entire course in which they seek certification.

(f) Any student found cheating during the administration of a certified exam shall not be permitted to complete the exam and will receive a zero (0) score for the exam and shall be required to retake the entire class.

(g) Students are not permitted to retain or copy any certified exam (including previous editions). Primary instructors must ensure that all certified exams distributed during the administration of the exam are returned and accounted for.

(h) Breaches of test security by a registered instructor, institution or agency proctoring the exam shall result in a restitution fee to recover cost to have the exam rewritten.

NOTE: Authority cited: Section 13159.8(c), 13159.8(d) and 13159.8(e), Health and Safety Code.

HISTORY

1. New section filed 8–7–2008; operative 9–6–2008 (Register 2008, No. 32).

§ 1990.04. Registered Instructors.

All instructors under the California Fire Service Training and Education Program, with the exception of Firefighter I and Firefighter II instructors, shall be registered with the State Fire Training Division following the procedures for each course specialty as outlined in the "State Fire Training Procedures Manual" per section 1990.00, CCR.

(a) Registered Instructor shall meet specific coursework, instructor requirements, teaching experience, rank. A registered instructor can be approved to teach either or both California Fire Service Training and Education System (CFSTES) and Fire Service Training and Education Program (FSTEP) courses.

(1) Senior Instructor shall meet minimum qualifications for accredited and/or approved Rescue related courses per "State Fire Training Procedures Manual," Section 1990.00 CCR.

(2) Primary Instructor has the lead responsibility for the delivery of a SFM CFSTES or FSTEP course per "State Fire Training Procedures Manual," Section 1990.00 CCR.

(3) Adjunct Instructor shall meet minimum instructor criteria and work under the supervision of a primary instructor for the delivery of SFM accredited and approved courses per "State Fire Training Procedures Manual," Section 2500.00 CCR.

(4) Skills Evaluator shall meet minimum instructor criteria to evaluate student skill demonstrations or exams per "State Fire Training Procedures Manual," Section 1990.00 CCR.

NOTE: Authority cited: Section 13159(d), Health and Safety Code.

HISTORY

1. New section filed 8–7–2008; operative 9–6–2008 (Register 2008, No. 32).

§ 1990.05. Accredited Facilities.

The State Fire Marshal, with a recommendation from the State Board of Fire Services (SBFS) and/or the Statewide Training and Education Advisory Committee (STEAC) may designate community colleges as an

Accredited Regional Training Program and local fire departments as an Accredited Local Academy per the accreditation procedures specified in the "State Fire Training Procedures Manual" Section 1990.00, CCR.

(a) An "Accredited Regional Training Program (ARTP)" is a community college in partnership with local fire departments, which has been accredited by the SFM to deliver SFM accredited and approved courses as described in the "State Fire Training Procedures Manual" per Section 1990.00 CCR.

(b) An "Accredited Local Academy (ALA)" is a single fire agency actively providing state, municipal, county, or fire district fire protection services (serving a specific authority having jurisdiction), which has been approved by the SFM to deliver SFM accredited and approved courses as described in the "State Fire Training Procedures Manual" per Section 1990.00 CCR.

(c) An "Accredited Rescue Training Site (ARTS)" is a training facility that meets the site, training prop, tools and equipment requirements for Rescue Systems 1, Rescue Systems 2 and/or Confined Space Rescue requirements as described in the State Fire Training Procedures Manual per Section 1990.00 CCR.

(d) These facilities shall be cited as "accredited facilities" in these regulations

NOTE: Authority cited: Section 13142.4, 13157(a), 13159(b), 13159(d) and 13159(f), Health and Safety Code.

HISTORY

1. New section filed 8-7-2008; operative 9-6-2008 (Register 2008, No. 32).

§ 1990.06. Safety Policy.

All registered instructors who are conducting or participating in any State Fire Marshal accredited or approved course shall include, where appropriate, a safety plan as part of the instructional process. The plan should address, but is not limited to the following elements: safe operating procedures, location of exits, emergency notification phone numbers for staff and students, location of first aid equipment, and the locations of appropriate medical facilities. This safety plan shall be communicated to the students.

NOTE: Authority cited: Section 13156(f) and 13159(d), Health and Safety Code.

HISTORY

1. New section filed 8-7-2008; operative 9-6-2008 (Register 2008, No. 32).

§ 1990.07. Accountability.

It is the responsibility of registered instructors and accredited facilities to maintain the procedural standards and ethical conduct by which they were granted registration or accreditation. The OSFM will reevaluate the registration status of an instructor, or accreditation status of a facility, in the event that compliance with these standards comes into question.

(a) Negative Comments by students, instructors, fire technology directors or fire officers, regarding instructors or academies will be reviewed and investigated by the OSFM when the negative comment is in writing and directed to the Division Chief of State Fire Training, Assistant State Fire Marshal or State Fire Marshal.

NOTE: Authority cited: Section 13157(a), 13159(b), 13159(d) and 13159.8(a), Health and Safety Code.

HISTORY

1. New section filed 8-7-2008; operative 9-6-2008 (Register 2008, No. 32).

§ 1990.08. Suspension or Revocation.

Corrective action shall be taken to ensure compliance with the procedures and ethical conduct of the OSFM and to call to the instructor's or accredited facility's attention any problems that have been reported.

(a) A negative comment shall be investigated and corrected, if necessary, by the Division Chief of State Fire Training.

(b) Written negative comments will serve as documentation in the instructor's or accredited facility's file as an infraction or breach in procedures or ethical conduct in accordance with Section 1990.00 CCR. Written negative comments shall form the basis for the OSFM to conduct an investigation on the validity and seriousness of the comment.

(c) An investigation that uncovers breaches of procedures or an ethical violation may lead to a notice of suspension or revocation of instructor registration or facility accreditation.

(d) Suspension of instructor registration or facility accreditation shall be based on documented evidence of breaches in procedures or ethical conduct. The instructor or accredited facility's shall receive a written notice of the proposed suspension that will include the specific details of the infractions and 60 days, to respond in writing, before the suspension takes effect. The written notice shall contain information on the appeal process to the suspension.

(1) State Fire Training or one of its authorized representatives has the authority to suspend a class or instructor if a violation or threat to public safety has occurred. Such an action shall be documented by the State Fire Training representative and the instructor will be required to cease all instructional activities immediately.

(e) Revocation of instructor registration or facility accreditation shall be based on documented evidence of breaches in procedures or ethical conduct in accordance with Section 1990.00 CCR. This action may be heard administratively. The instructor or accredited facility will receive written notification that shall include specific details of breaches in procedures or ethical conduct and the penalty proposed from the Division Chief of State Fire Training.

(1) The written notice of revocation to an instructor or accredited facility shall include the specific details of the infractions, and revocation shall be effective immediately, upon receipt of the notice. The written notice shall contain information on how to appeal the revocation.

NOTE: Authority cited: Section 13157, Health and Safety Code.

HISTORY

1. New section filed 8-7-2008; operative 9-6-2008 (Register 2008, No. 32).

§ 1990.09. Appeals.

(a) The first level of appeal shall occur with the registered instructor or accredited facility submitting, in writing, to the Assistant State Fire Marshal all evidence to support reversing the suspension or revocation action within 60 days of receiving their notice of suspension or revocation. The registered instructor or accredited facility may request in writing an administrative hearing, conducted by the Assistant State Fire Marshal, to fully examine the issues.

(1) After review of all submitted materials and/or testimony provided during an administrative hearing, the Assistant State Fire Marshal shall, by written letter, notify the instructor, accredited facility and State Fire Training of the decision to uphold, modify, or withdraw the action along with the next level of the appeal process within 45 days.

(b) The second level of the appeal process shall occur with the instructor or accredited facility submitting, in writing, to the Statewide Training and Education Advisory Committee (STEAC) all evidence to support reversing the suspension or revocation action within 60 days of receiving the Assistant State Fire Marshal's decision. The Assistant State Fire Marshal shall agendize this request at the next regularly scheduled STEAC meeting.

(1) After review of all submitted materials and/or testimony provided during an administrative hearing, STEAC shall, by written letter, notify the instructor, accredited facility and State Fire Training of the decision to uphold, modify, or withdraw the action along with the next level of the appeal process within 45 days of their decision.

(c) The third level of the appeal process shall occur with the instructor or accredited facility submitting, in writing, to the State Fire Marshal all evidence to support reversing the suspension or revocation action within 60 days of being notified by STEAC of their decision.

(1) The State Fire Marshal shall, by written letter, notify the instructor, accredited facility and State Fire Training of the decision to uphold, modify or withdraw the action within 60 days of the date of the appeal.

NOTE: Authority cited: Section 11425.10, Government Code; and Section 13157(a), Health and Safety Code.

HISTORY

1. New section filed 8-7-2008; operative 9-6-2008 (Register 2008, No. 32).

§ 1990.10. Reinstatement.

Reinstatement as a registered instructor or accredited facility shall be achieved by meeting all terms of disciplinary action and by reapplying and meeting the current requirements as a registered instructor or accredited facility.

NOTE: Authority cited: Section 11425.10, Government Code; and 13157(a), Health and Safety Code.

HISTORY

1. New section filed 8-7-2008; operative 9-6-2008 (Register 2008, No. 32).

§ 1990.11. Instructor Orientation and Classroom Ethics.

All registered instructors shall complete State Fire Trainings "Regional Instructors Orientation" and "Ethical Leadership in the Classroom" training programs before a CFSTES or FSTEP course request will be approved by State Fire Training.

NOTE: Authority cited: Section 13159(d) and 13159.8(a), Health and Safety Code.

HISTORY

1. New section filed 8-7-2008; operative 9-6-2008 (Register 2008, No. 32).

§ 1990.12. State Fire Training Fees.

The following fees have been approved and adopted by the California State Fire Marshal as recommended by the Statewide Training and Education Advisory Committee:

(a) Course Registration Fees

Regional Instructor Orientation	\$150.00
CFSTES	\$80.00
FSTEP	\$20.00
EMT	\$25.00

(b) Certification Fees

Chief Officer	\$ 90.00
EMT-I Initial Certification	\$ 25.00
EMT-I Recertification	\$ 25.00
Fire Apparatus Driver/Operator I	\$ 65.00
Fire Chief	
□ Application	\$ 50.00
□ Application Submittal	\$200.00
□ Application PACE IV Review	\$250.00
Fire Fighter I	\$ 40.00
Fire Fighter II	\$ 40.00
Fire Instructor I	\$ 65.00
Fire Instructor II	\$ 65.00
Fire Instructor III	\$ 65.00
Fire Investigator I	\$ 65.00
Fire Investigator II	\$ 65.00
Fire Marshal	\$ 65.00
Fire Mechanic I	\$ 65.00
Fire Mechanic II	\$ 65.00
Fire Mechanic III (Master Mechanic)	\$ 65.00
Fire Mechanic Recertification	\$ 60.00
Fire Officer	\$ 65.00
Fire Prevention Officer	\$ 65.00
Fire Protection Specialist	\$ 65.00
Hazardous Materials Technician	\$ 65.00
Hazardous Materials Specialist	\$ 65.00
Plans Examiner	\$ 65.00
Public Education Officer I	\$ 65.00
Volunteer Fire Fighter	\$ 25.00
Duplicate Certificate	\$ 35.00

(c) Retake Exam Fees

CFSTES Course	\$ 35.00
EMT-I Course	\$ 35.00

(d) Duplicate Course Certificate Fees

CFSTES	\$ 35.00
EMT-I	\$ 25.00
FSTEP	\$ 20.00

(e) Course Equivalency Fee

Course Equivalency Certificate	\$ 60.00
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(f) PACE III Review Fee

PACE III REVIEW	\$ 60.00
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(g) ARTP and ALA Accreditation

Application Processing	\$500.00
Site Team travel expense not to exceed	\$2,000

(h) The State Fire Marshal shall make adjustments to the fee schedule by annually reviewing, and revising as necessary, the California Fire Service Training Program in accordance with Section 13159.4, Health and Safety Code.

NOTE: Authority cited: Sections 13157(d), 13157(e), 13159.4, 13159.8(e) and 13159.10, Health and Safety Code.

HISTORY

1. New section filed 8-7-2008; operative 9-6-2008 (Register 2008, No. 32).

§ 1990.13. California Fire and Arson Training Fund.

All revenue collected from State Fire Training fees, gifts or grants shall be paid into the California Fire and Arson Training Fund (CFAT) and these monies shall be available when appropriated by the Legislature for the Office of the State Fire Marshal to carry out the provisions of these regulations.

NOTE: Authority cited: Section 13159.8 and 13159.10(a), Health and Safety Code.

HISTORY

1. New section filed 8-7-2008; operative 9-6-2008 (Register 2008, No. 32).

Chapter 14. Hazardous Liquid Pipeline Safety

Article 1. Scope

§ 2000.

Title 49 of the Code of Federal Regulations, Part 195 is hereby adopted by reference as it relates to hazardous liquid pipelines.

NOTE: Authority cited: Sections 51010.6 and 51011, Government Code.

HISTORY

1. New article 1 (section 2000) and section filed 5-22-2002; operative 6-21-2002. Submitted to OAL for printing only pursuant to Government Code section 51011 (Register 2002, No. 21).

Article 3. Fees

§ 2040. Fees.

In order to implement Chapter 5.5, of the Government Code, California Pipeline Safety Act of 1981, the following fees will be assessed on a fiscal year basis:

(a) Intrastate Pipelines

(1) Pipeline operator	\$6,000
(2) Charge per mile of pipeline operated	\$550
(3) Independent Hydrostatic Testing Firm	\$1,500

(b) Interstate Pipelines

(1) Pipeline Operator	\$6,000
(2) Charge Per Mile of Pipeline Operated	\$300

NOTE: Authority cited: Sections 51019 and 51019.05, Government Code. Reference: Sections 51010, 51013.5, 51014.5, 51019 and 51019.05, Government Code.

HISTORY

1. New Subchapter 14 (Article 3, Section 2040) filed 11-9-83 as an emergency; effective upon filing (Register 83, No. 46). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 3-9-84.
2. Editorial correction of section number filed 11-16-83 (Register 83, No. 46).
3. Certificate of Compliance transmitted to OAL 3-2-84 and filed 3-30-84 (Register 84, No. 13).
4. Amendment filed 6-25-86; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 86, No. 26).
5. Amendment filed 3-11-87; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 87, No. 11).
6. Change without regulatory effect of subsection (b) (Register 87, No. 29).
7. Amendment of subsections (a)(1)-(2) and (b)(1)-(2) filed 10-31-2007; operative 7-1-2008 (Register 2007, No. 44).

§ 2041. Certification of Miles.

Prior to November 1 of each year every operator of a pipeline, as defined in Section 51010.5, Government Code, shall certify to the Office of State Fire Marshal the total miles of pipelines owned, operated or

leased by the operator within California for which the pipeline operator is responsible and not otherwise excluded by Section 51010.5, Government Code.

NOTE: Authority cited: Section 51011, Government Code. Reference: Sections 51019 and 51020, Government Code.

HISTORY

1. New section filed 12-7-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 49).

Article 4. Pipeline Operator Drug Testing

§ 2050. Adoption of Federal Regulations.

The State Fire Marshal adopts by reference Title 49 of the Code of Federal Regulations, Part 40, Sections 40.1 through 40.37 inclusive, with appendices, relating to procedures for workplace drug testing programs, adopted as of December 1, 1989, and Part 199, Sections 199.1 through 199.23 inclusive, adopted as of November 21, 1988, except for Section 199.1 (b), adopted April 13, 1989, Sections 199.3, 199.7, 199.9, 199.11, and 199.15, adopted January 17, 1990, and Section 199.1 (d), adopted December 27, 1989, relating to drug testing methods and procedures for pipeline operators.

NOTE: Authority: Sections 51010 and 51011, Government Code. Reference: Sections 51010 and 51011, Government Code; 54 Federal Register 49866, dated 12/1/89, adopting 49 C.F.R. Part 40, Sections 40.1 through 40.37, inclusive, and including Appendix A; 53 Federal Register 47096, dated 11/21/88, adopting 49 C.F.R., Part 199, Sections 199.1 through 199.23, inclusive.

HISTORY

1. New section filed 12-20-91; operative 1-20-92 (Register 92, No. 12).

§ 2051. Administration.

Section 2050 shall be administered and enforced by the California State Fire Marshal, Pipeline Safety Division.

NOTE: Authority: Sections 51010 and 51011, Government Code. Reference: Sections 51010 and 51011, Government Code.

HISTORY

1. New section filed 12-20-91; operative 1-20-92 (Register 92, No. 12).

Article 5. Approval of Testing Persons or Firms

§ 2060. Approval Procedures.

The approval of independent testing firms or persons by the State Fire Marshal shall be in accordance with procedures established in Sections 1.59 and 1.60, Title 19, California Administrative Code.

NOTE: Authority cited: Sections 51010 and 51014.5, Government Code. Reference: Section 51014.5, Government Code.

HISTORY

1. New Article 5 (Section 2060) filed 12-7-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 49).

Article 6. Enforcement Proceedings

§ 2070. Notice of Probable Violation.

(a) "Hearing" means an informal conference or a proceeding for oral presentations. Unless otherwise specifically prescribed in this part, the use of "hearing" is not intended to require a hearing on the record in accordance with Chapter 5, Part 1, Division 3 of the Government Code.

(b) Except as otherwise provided by this subpart, the Office of State Fire Marshal, Division of Hazardous Liquid Pipelines Safety and Enforcement (hereinafter known as the Division) begins an enforcement proceeding by serving a notice of probable violation on a person charging him with a probable violation of the California Hazardous Liquid Pipeline Safety Act or any regulation or order issued thereunder.

(c) A notice of probable violation issued under this section shall include:

(1) Statement of the provisions of the laws, regulations or orders which the respondent is alleged to have violated and a statement of the evidence upon which the allegations are based;

(2) Notice of response options available to the respondent under Section 2071;

(3) If a civil penalty is proposed under Section 51018.6, Government Code, the amount of the proposed civil penalty and the maximum civil penalty for which respondent is liable under law; and

[The next page is 113.]

(4) If a compliance order is proposed under Section 51018.8, Government Code; a statement of the remedial action being sought in the form of a proposed compliance order.

(d) The Division may amend a notice of probable violation at any time prior to issuance of a final order under Section 2073. If an amendment includes any new material allegations of fact or proposes an increased civil penalty amount or new or additional remedial action under Section 51018.8, Government Code, the respondent shall have the opportunity to respond under Section 2071.

NOTE: Authority cited: Section 51018.6, Government Code. Reference: Section 51018.6, Government Code.

HISTORY

1. New Article 6 (Sections 2070–2075) filed 12–7–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 49).

§ 2071. Response Options.

Within 30 days of the receipt of a notice of probable violation the respondent shall respond to the Division who issued the Notice in the following way:

(a) When the notice contains a proposed civil penalty

(1) Pay the proposed civil penalty as provided in Section 51018.6, Government Code and close the case;

(2) Submit an offer in compromise of the proposed civil penalty under paragraph (c) of this section and paragraph (a) of Section 2075;

(3) Submit written explanations, information or other materials in answer to the allegations or in mitigation of the proposed civil penalty; or

(4) Request a hearing under Section 2072.

(b) When the notice contains a proposed compliance order

(1) Agree to the proposed compliance order;

(2) Request the execution of a consent order;

(3) Object to the proposed compliance order and submit written explanations, information or other materials in answer to the allegations in the notice of probable violation; or

(4) Request a hearing under Section 2072.

(c) An offer in compromise under paragraph (a) of this section is made by submitting a check or money order for the amount offered to the Division, who forwards the offer to the State Fire Marshal, for action. If the offer in compromise is accepted by the State Fire Marshal, the respondent is notified in writing that the acceptance is in full settlement of the civil penalty action. If an offer in compromise submitted under paragraph (a) of this section is rejected by the State Fire Marshal, it is returned to the respondent with written notification. Within 10 days of his receipt of such notification, the respondent shall again respond to the Division in one or more of the ways provided in paragraph (a) of this section.

(d) Failure of the respondent to respond in accordance with paragraph (a) of this section or, when applicable, paragraph (c) of this section, constitutes a waiver of his right to contest the allegations in the notice of probable violation and authorizes the State Fire Marshal, without further notice to the respondent, to find facts to be as alleged in the notice of probable violation and to issue a final order under Section 2073.

NOTE: Authority cited: Section 51018.6, Government Code. Reference: Section 51018.6, Government Code.

§ 2072. Hearing.

(a) A request for a hearing in response to a notice of probable violation issued under Section 2070 must be accompanied by a statement of the issues which the respondent intends to raise at the hearing. The issues may relate to the alleged violations, new information or to the proposed compliance order or proposed civil penalty amount. A respondent's failure to specify an issue may result in waiver of his right to raise that issue at the hearing. The respondent's request may also indicate whether or not he will be represented by counsel at the hearing.

(b) In such circumstances as deemed appropriate by the Division, and only if the respondent concurs, a telephone conference may be held in lieu of a hearing.

(c) If the respondent contests any of the alleged violations, if the respondent is represented by counsel or if the respondent specifically re-

quests that an attorney conduct the hearing, the Office of State Fire Marshal shall designate a presiding official for the hearing. Otherwise, the hearing may be conducted by a representative of the Division.

(d) The hearing is conducted informally without strict adherence to rules of evidence. The respondent may submit any relevant information and material and call witnesses on his behalf. He also may examine the evidence and witnesses against him. No detailed record of a hearing is prepared.

(e) At the outset of the hearing, the material in the case file pertinent to the issues to be determined is presented by the presiding official. The respondent may respond to or rebut this material.

(f) After the presentation of the material in the case file, the respondent may offer any facts, statements, explanations, documents, testimony or other items which are relevant to the issues under consideration.

(g) At the close of the respondent's presentation the presiding official may present or allow the presentation of State Fire Marshal rebuttal information. The respondent may then respond to that information.

(h) After the evidence in the case has been presented, the presiding official shall permit argument on the issues under consideration.

(i) The respondent may also request an opportunity to submit further written material for inclusion in the case file. The presiding official shall allow a reasonable time for the submission of the material and shall specify the date by which it must be submitted. If the material is not submitted within the time prescribed, the case shall proceed to final action without the material.

(j) After submission of all materials during and after the hearing, the presiding official shall prepare a written recommendation as to final action in the case. This recommendation, along with any material submitted during and after the hearing, shall be included in the case file which is forwarded to the State Fire Marshal for final administrative action.

NOTE: Authority cited: Section 51018.6, Government Code. Reference: Section 51018.6, Government Code.

§ 2073. Final Order.

(a) After a hearing under Section 2072 or, if no hearing has been held, after expiration of the 30 day response period prescribed in Section 2071, the case file of an enforcement proceeding commenced under Section 2070 is forwarded to the State Fire Marshal, for issuance of a final order.

(b) The case file of an enforcement proceeding commenced under Section 2070 includes

(1) The inspection reports and any other evidence of alleged violations;

(2) A copy of the notice of probable violation issued under Section 2070;

(3) Material submitted by the respondent in accord with Section 2070 in response to the notice of probable violation;

(4) The Division's evaluation of response material submitted by the respondent and the Division Chief's recommendation for final action to be taken under this section; and

(5) In cases involving a Section 2072 hearing, any material submitted during and after the hearing and the hearing officer's recommendation for final action to be taken under this section.

(c) Based on review of a case file described in paragraph (b) of this section, the State Fire Marshal shall issue a final order that includes

(1) A statement of findings and determinations on all material issues, including a determination as to whether each alleged violation has been proved;

(2) If a civil penalty is assessed, the amount of the penalty and the procedures for payment of the penalty, provided that the assessed civil penalty may not exceed the penalty proposed in the notice of probable violation; and

(3) If a compliance order is issued, a statement of the actions required to be taken by the respondent and the time by which such actions must be accomplished.

(d) Except as provided by Section 2074, an order issued under this section regarding an enforcement proceeding is considered final administrative action on that enforcement proceeding.

(e) The Office of the State Fire Marshal shall issue a final order under this section within 45 days of receipt of the case file. In cases where delay beyond that period is expected, notice of that fact and the date by which it is expected that action will be taken shall be issued to the respondent. NOTE: Authority cited: Section 51018.6, Government Code. Reference: Section 51018.6, Government Code.

§ 2074. Petitions for Reconsideration.

(a) A respondent may petition the Office of the State Fire Marshal for reconsideration of a final order issued under Section 2073. It is requested, but not required, that three copies be submitted. The petition must be received no later than 20 days after service upon the respondent of the final order. Petitions received after that time will not be considered. The petition must contain a brief statement of the complaint and an explanation as to why the effectiveness of the final order should be stayed.

(b) If the respondent requests the consideration of additional facts or arguments he must state the reasons they were not presented prior to issuance of the final order.

(c) The State Fire Marshal, does not consider repetitious information, arguments, or petitions.

(d) Unless the State Fire Marshal, otherwise provides, the filing of a petition under this section does not stay the effectiveness of the final order.

(e) The State Fire Marshal may grant or deny, in whole or in part, any petition for reconsideration without further proceedings. In the event the State Fire Marshal determines to reconsider a final order, he may issue a final decision on reconsideration without further proceedings, or he may provide such opportunity to submit comment or information and data as deemed appropriate.

(f) The State Fire Marshal, shall issue notice of the action taken on a petition for reconsideration within 20 days after receipt of the petition. In cases where delay beyond that period is expected, notice of that fact and the date by which it is expected that action will be taken shall be issued to the respondent.

NOTE: Authority cited: Section 51018.6, Government Code. Reference: Section 51018.6, Government Code.

§ 2075. Payment of Penalty.

(a) Payment of a respondent of a civil penalty proposed, assessed, or compromised under this subpart must be made by certified check or money order payable to the Office of the State Fire Marshal. Except as provided by Section 2071, such payment is sent to the Office of the State Fire Marshal, 1131 S Street, Sacramento, CA 95814.

(b) If a respondent fails to pay the full amount of a civil penalty assessed in a final order issued under Section 2073 or make an offer in compromise to the assessed penalty as provided by paragraph (c) of this section within 20 days after receipt of the final order, the State Fire Marshal, may refer the case to the Attorney General with a request that an action to collect the assessed penalty be brought in the appropriate court to the extent permitted under State law.

(c) Within 20 days after the respondent's receipt of a final order assessing a civil penalty issued under Section 2073, the respondent may offer to compromise the assessed penalty by submitting in the manner required by paragraph (a) of this section, payment in the amount offered. The State Fire Marshal or his designee may accept or reject the compromise offer on behalf of the Office of the State Fire Marshal. If it is accepted, the respondent is notified in writing that the acceptance is in full settlement of the civil penalty action. If the compromise offer is rejected it will be returned to the respondent with written notification. Within 20 days after the respondent's receipt of such notification, payment of the full amount of the civil penalty assessed in the final order becomes due. The provisions of paragraph (b) of this section regarding court action for penalty collection apply upon failure of the respondent to pay the assessed penalty within that time period.

(d) If the respondent elects to make an offer in compromise to a civil penalty proposed in a notice of probable violation issued under Section 2070, he shall do so in accord with the procedures of Section 2071.

NOTE: Authority cited: Section 51018.6, Government Code. Reference: Section 51018.6, Government Code.

HISTORY

1. Amendment of subsection (a) filed 5-22-2002; operative 6-21-2002. Submitted to OAL for printing only pursuant to Government Code section 51011 (Register 2002, No. 21).

Chapter 15. Conflict of Interest Code of the Office of the State Fire Marshal

Article 1. General Provisions

§ 2200. Conflict of Interest Code for the State Fire Marshal.

NOTE: Authority cited: Section 87311, Government Code. Reference: Sections 87300, et seq., Government Code.

HISTORY

1. Repealer of chapter 15, article 1 (sections 2200-2208 and appendices A and B) and section filed 2-7-2001; operative 3-9-2001. The conflict of interest code for the State Fire Marshal has been incorporated into the conflict of interest code for the Department of Forestry and Fire Protection (title 14, section 890). Approved by Fair Political Practices Commission 12-1-2000 (Register 2001, No. 6). For prior history of chapter 15, see Register 95, No. 23.

Chapter 16. Oil Refinery and Chemical Plant Safety Preparedness Program

Article 1. General

§ 2300. Authority.

Chapter 16 of Division 1 of Title 19 of the California Code of Regulations is adopted by the State Fire Marshal under the authority of the California Oil Refinery and Chemical Plant Safety Preparedness Act of 1991 and Division 1, Part 1, Title 5, Section § 51025, et seq. of the Government Code of the State of California.

NOTE: Authority cited: Section 51025, Government Code. Reference: Sections 51020.5, 51021, 51021.5, 51022, 51024.5, 51025, 51025.2 and 51025.5, Government Code.

HISTORY

1. Repealer and new chapter 16, article 1 and section filed 8-31-94; operative 9-30-94 (Register 94, No. 35). For prior history, see Register 92, No. 52.

§ 2301. Title.

These regulations shall be known as the "State Fire Marshal Oil Refinery and Chemical Plant Safety Preparedness Program (ORCP) Regulations," and shall constitute the basic standards under which the State Fire Marshal may conduct business and shall be referred to herein as "these regulations".

NOTE: Authority cited: Section 51025, Government Code. Reference: Sections 51020.5, 51021, 51021.5, 51022, 51024.5, 51025, 51025.2 and 51025.5, Government Code.

HISTORY

1. Repealer and new section filed 8-31-94; operative 9-30-94 (Register 94, No. 35). For prior history, see Register 92, No. 52.

§ 2302. Scope.

These rules and regulations shall govern the State Fire Marshal's collection of fees from oil refineries and chemical plants in California.

NOTE: Authority cited: Section 51025, Government Code. Reference: Sections 51020.5, 51021, 51021.5, 51022, 51024, 51024.5, 51025, 51025.2 and 51025.5, Government Code.

HISTORY

1. New section filed 8-31-94; operative 9-30-94 (Register 94, No. 35).

§ 2303. Validity.

If any article, section, subsection, sentence, clause or phrase contained in these regulations is for any reason found to be unconstitutional, con-

trary to statute, exceeding the authority of the State Fire Marshal, or otherwise inoperative, such finding shall not affect the validity of the remaining portion of these regulations.

NOTE: Authority cited: Section 51025, Government Code. Reference: Sections 51020.5, 51021, 51021.5, 51022, 51024.5, 51025, 51025.2 and 51025.5, Government Code.

HISTORY

1. Repealer and new section filed 8-31-94; operative 9-30-94 (Register 94, No. 35). For prior history, see Register 92, No. 52.

§ 2304. Local Ordinances.

Nothing contained in these regulations shall be considered as abrogating the provisions of any ordinance, rule or regulation of any city, county and county, county government agency, providing such local ordinance, regulation or rule is not less stringent than these minimum standards.

NOTE: Authority cited: Section 51025, Government Code. Reference: Sections 51020.5, 51021, 51021.5, 51022, 51024.5, 51025, 51025.2 and 51025.5, Government Code.

HISTORY

1. Repealer and new section filed 8-31-94; operative 9-30-94 (Register 94, No. 35). For prior history, see Register 92, No. 52.

§ 2305. Waiver.

The State Fire Marshal, upon application by an owner or operator of an oil refinery and chemical plant, may exempt any business from any requirement of these regulations, upon written finding that the exemption would not present a fire, explosion or acutely hazardous material accident risk.

NOTE: Authority cited: Section 51025, Government Code. Reference: Sections 51020.5, 51021, 51021.5, 51022, 51024.5, 51025, 51025.2 and 51025.5, Government Code.

HISTORY

1. New section filed 8-31-94; operative 9-30-94 (Register 94, No. 35).

§ 2324. Acutely Hazardous Materials (AHM's).

NOTE: Authority cited: Section 51025, Government Code. Reference: Section 51021.5, Government Code.

HISTORY

1. New section filed 12-22-92 with Secretary of State by State Fire Marshal (Register 92, No. 52).
2. Repealer of article 2 and section filed 8-31-94; operative 9-30-94 (Register 94, No. 35).

Article 2. Definitions

§ 2325. Chemical Plant.

Any facility producing basic chemicals and facilities manufacturing products by predominantly chemical processes as specified in Code 28 (Chemical and Allied Products) of the Manual of Standard Industrial Classifications, published by the United States Office of Management and Budget, 1987 edition which is hereby incorporated by reference, which handles chemicals listed as extremely hazardous substances in Appendix A of Part 355 of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations in amounts equal to or above the threshold planning quantity.

NOTE: Authority cited: Section 51025, Government Code. Reference: Sections 51020.5, 51021, 51021.5, 51022, 51024.5, 51025, 51025.2 and 51025.5, Government Code.

HISTORY

1. Repealer of section and new article 2 and section filed 8-31-94; operative 9-30-94 (Register 94, No. 35). For prior history, see Register 92, No. 52.

§ 2325.1. Handle.

Handle means to use, generate, process, produce, package, treat, store, emit, discharge, or dispose of an acutely hazardous material in any fashion. Handle also means the use or potential for use of a quantity of an acutely hazardous material by the connection of any marine vessel, tank vehicle, tank car, or container to a system or process for any purpose other

than the immediate transfer to or from an approved atmospheric tank or approved portable tank.

NOTE: Authority cited: Section 51025, Government Code. Reference: Section 51021.5, Government Code.

HISTORY

1. New section filed 8-31-94; operative 9-30-94 (Register 94, No. 35).
2. Editorial correction of punctuation of section number (Register 97, No. 44).

§ 2326. Local Agency.

Any city, city and county, county governmental agency, or other agency recommended by the Technical Advisory Committee on Oil Refinery and Chemical Plant Safety Preparedness and found qualified by the State Fire Marshal.

NOTE: Authority cited: Section 51025, Government Code. Reference: Section 51024, Government Code.

HISTORY

1. Repealer and new section filed 8-31-94; operative 9-30-94 (Register 94, No. 35). For prior history, see Register 92, No. 52.

§ 2327. Office.

The term "office" shall mean the Office of the State Fire Marshal.

NOTE: Authority cited: Section 51025, Government Code. Reference: Sections 51020.5, 51021, 51021.5, 51022, 51024.5, 51025, 51025.2 and 51025.5, Government Code.

HISTORY

1. Repealer and new section filed 8-31-94; operative 9-30-94 (Register 94, No. 35). For prior history, see Register 92, No. 52.

§ 2328. Oil Refinery.

Any plant or manufacturing or other type of facility, as specified in Code 29 (Petroleum Refining and Related Industries) as Industry Group 291 (Petroleum Refining) of the Manual of Standard Industrial Classification Codes, published by the United States Office of Management and Budget, 1987 edition, which handles acutely hazardous materials.

NOTE: Authority cited: Section 51025, Government Code. Reference: Section 51021.5, Government Code.

HISTORY

1. Repealer and new section filed 8-31-94; operative 9-30-94 (Register 94, No. 35). For prior history, see Register 92, No. 52.

§ 2329. Person.

The term "person" means any individual, corporation, company, co-partnership, partnership, joint venture, or association, including any trustee, receiver, assignee or similar representative thereof or any other organization or any combination thereof.

NOTE: Authority cited: Section 51025, Government Code. Reference: Sections 51020.5, 51021, 51021.5, 51022, 51024.5, 51025, 51025.2 and 51025.5, Government Code.

HISTORY

1. Repealer and new section filed 8-31-94; operative 9-30-94 (Register 94, No. 35). For prior history, see Register 92, No. 52.

§ 2330. Threshold Planning Quantity

The amount of extremely hazardous substances listed in Appendix A of Part 355 of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations.

NOTE: Authority cited: Section 51025, Government Code. Reference: Sections 51020.5, 51021, 51021.5, 51022, 51024.5, 51025, 51025.2 and 51025.5, Government Code.

HISTORY

1. Repealer and new section filed 8-31-94; operative 9-30-94 (Register 94, No. 35). For prior history, see Register 92, No. 52.

§ 2331. Transportation.

Acutely hazardous materials which are hazardous materials as defined in Title 49 of the Code of Federal Regulations which are in transit or in the course of transportation are not subject to these regulations.

NOTE: Authority cited: Section 51025, Government Code. Reference: Sections 51020.5, 51021, 51021.5, 51022, 51024.5, 51025, 51025.2 and 51025.5, Government Code.

HISTORY

1. New section filed 8-31-94; operative 9-30-94 (Register 94, No. 35).

Article 3. Fees and Penalties

§ 2350. Fees.

Persons doing business as an oil refinery and/or chemical plant shall pay fees to the office in accordance with the following schedule. The total fee paid to the office shall be the sum of the base fee in Section 1 below, plus the fee based on the amount of acutely hazardous materials on-site at any one time in Section 2 below, plus the fee based on the amount of gross annual sales in Section 3 below.

1. Base Fee: \$250.00
2. Amount of acutely hazardous materials present at any one time in pounds (lbs.):

From	To	Fee
1	50,000	\$ 100.00
50,001	200,000	200.00
200,001	500,000	300.00
500,001	1,000,000	400.00
1,000,001	2,000,000	1,000.00
2,000,001	5,000,000	2,000.00
5,000,001	and over	4,000.00

3. Gross Sales (in dollars):

From	To	Fee
1	1,000,000	\$ 75.00
1,000,001	25,000,000	150.00
25,000,001	100,000,000	300.00
100,000,001	250,000,000	1,200.00
250,000,001	and over	2,400.00

NOTE: Authority cited: Section 51025, Government Code. Reference: Sections 51020.5, 51021, 51021.5, 51022, 51024.5, 51025, 51025.2 and 51025.5, Government Code.

HISTORY

1. Repealer and new article 3 and section filed 8-31-94; operative 9-30-94 (Register 94, No. 35). For prior history, see Register 92, No. 52.

§ 2351. Penalty.

The State Fire Marshal shall impose a delinquency fee of 10 percent of the annual fee, per month, if the person does not pay the fee within 60 days after receipt of the billing invoice.

NOTE: Authority cited: Section 51025, Government Code. Reference: Sections 51020.5, 51021, 51021.5, 51022, 51024.5, 51025, 51025.2 and 51025.5, Government Code.

HISTORY

1. Repealer and new section filed 8-31-94; operative 9-30-94 (Register 94, No. 35). For prior history, see Register 92, No. 52.

§ 2352. Certification.

Prior to the 31st of December of each year, an invoice will be sent to each oil refinery and chemical plant subject to the California Oil Refinery and Chemical Safety Preparedness Act. Each oil refinery and chemical plant shall compute the fee owed based on the calendar year operations (January 1st thru December 31st). This fee is paid on a fiscal year basis (July 1st thru June 30th). The fee shall be paid within 60 days of the receipt of the billing invoice.

NOTE: Authority cited: Section 51025, Government Code. Reference: Sections 51020.5, 51021, 51021.5, 51022, 51024.5, 51025, 51025.2 and 51025.5, Government Code.

HISTORY

1. Repealer and new section filed 8-31-94; operative 9-30-94 (Register 94, No. 35). For prior history, see Register 92, No. 52.

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Barclays Official
**CALIFORNIA
CODE OF
REGULATIONS**

Title 19. Public Safety

Division 2. Office of Emergency Services

Vol. 25

THOMSON

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Division 2. Office of Emergency Services

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Division 2. Office of Emergency Services

Chapter 1. Standardized Emergency Management System (SEMS)

Article 1. Short Title

§ 2400. Short Title.

This Chapter shall be known and may be cited as the Standardized Emergency Management System (SEMS) Regulations.

NOTE: Authority cited: Section 8607(a), Government Code. Reference: Section 8607, Government Code.

HISTORY

1. Renumbering of former chapter 1 to chapter 2 and new chapter 1, article 1, and section filed 8-3-94; operative 9-2-94 (Register 94, No. 31).

Article 2. Purpose and Scope

§ 2401. Purpose and Scope.

These regulations establish the Standardized Emergency Management System (SEMS) based upon the Incident Command System (ICS) adapted from the system originally developed by the Firefighting Resources of California Organized for Potential Emergencies (FIRESCOPE) program including those currently in use by state agencies, the Multi-Agency Coordination System (MACS) as developed by FIRESCOPE program, the operational area concept, and the Master Mutual Aid Agreement and related mutual aid systems.

SEMS is intended to standardize response to emergencies involving multiple jurisdictions or multiple agencies. SEMS is intended to be flexible and adaptable to the needs of all emergency responders in California. SEMS requires emergency response agencies use basic principles and components of emergency management including ICS, multi-agency or inter-agency coordination, the operational area concept, and established mutual aid systems. State agencies must use SEMS. Local government must use SEMS by December 1, 1996 in order to be eligible for state funding of response-related personnel costs pursuant to activities identified in California Code of Regulations, Title 19, §2920, §2925, and §2930. Individual agencies' roles and responsibilities contained in existing laws or the state emergency plan are not superseded by these regulations.

NOTE: Authority cited: Sections 86075(a) and 8607(b), Government Code. Reference: Section 8607, Government Code; and Sections 13071 and 13072, Health and Safety Code.

HISTORY

1. New article 2 and section filed 8-3-94; operative 9-2-94 (Register 94, No. 31).

Article 3. Definitions

§ 2402. Definitions.

(a) "Action Plan" means the plan prepared in the EOC containing the emergency response objectives of that SEMS level reflecting overall priorities and supporting activities for a designated period. The plan is shared with supporting agencies.

(b) "Activate" means, at a minimum, a designated official of the emergency response agency implements SEMS as appropriate to the scope of the emergency and the agency's role in response to the emergency.

(c) "Department Operations Center" means an EOC used by a district discipline (such as flood operations, fire, medical, hazardous material), or a unit (such as Department of Public Works or Department of Health). Department operations centers may be used at all SEMS levels above the field response level depending upon the impacts of the emergency.

(d) "Disaster Assistance Program" is a program that provides state funding or reimbursement for local government response-related personnel costs incurred in response to an incident as defined in Section 2402(i).

(e) "Emergency" means a condition of disaster or of extreme peril to the safety of persons and property caused by such conditions as air pollution, fire, flood, hazardous material incident, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestations or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake or other conditions, other than conditions resulting from a labor controversy.

(f) "Emergency Operations Center (EOC)" means a location from which centralized emergency management can be performed.

(g) "Emergency Response Agency" means any organization responding to an emergency, or providing mutual aid support to such an organization, whether in the field, at the scene of an incident, or to an operations center.

(h) "Emergency Response Personnel" means personnel involved with an agency's response to an emergency.

(i) "Incident" means an occurrence or event, either human-caused or by natural phenomena, that requires action by emergency response personnel to prevent or minimize loss of life or damage to property and/or natural resources.

(j) "Incident Action Plan" means the plan developed at the field response level which contains objectives reflecting the overall incident strategy and specific tactical actions and supporting information for the next operational period. The plan may be oral or written.

(k) "Incident Commander" means the individual responsible for the command of all functions at the field response level.

(l) "Incident Command System (ICS)" means the nationally used standardized on-scene emergency management concept specifically designed to allow its user(s) to adopt an integrated organizational structure equal to the complexity and demands of single or multiple incidents without being hindered by jurisdictional boundaries. ICS is the combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure, with responsibility for the management of resources to effectively accomplish stated objectives pertinent to an incident.

(m) "Local Government" means local agencies as defined in Government Code §8680.2 and special districts defined in California Code of Regulations, Title 19, §2900(y).

(n) "Multi-agency or interagency coordination" means the participation of agencies and disciplines involved at any level of the SEMS organization working together in a coordinated effort to facilitate decisions for overall emergency response activities, including the sharing of critical resources and the prioritization of incidents.

(o) "Office of Emergency Services (OES)" means the Governor's Office of Emergency Services.

NOTE: Authority cited: Section 8607(a), Government Code. Reference: Sections 8607, 8680.2 and 8558(c), Government Code.

HISTORY

1. New article 3 and section filed 8-3-94; operative 9-2-94 (Register 94, No. 31).
2. New subsection (d), subsection relettering and amendment of newly designated subsection (i) filed 12-1-95; operative 12-31-95 (Register 95, No. 48).
3. Editorial correction of subsection (k) (Register 96, No. 52).

Article 4. Standardized Emergency Management System

§ 2403. SEMS Organizational Levels and Functions.

(a) All emergency response agencies shall use the Standardized Emergency Management System in responding to, managing, and coordinating multiple agency or multiple jurisdiction incidents, whether single or multiple discipline.

(b) There are five designated levels in the SEMS organization: field response, local government, operational area, regional, and state. Each level is activated as needed.

(1) "Field response level" commands emergency response personnel and resources to carry out tactical decisions and activities in direct response to an incident or threat.

(2) "Local government level" manages and coordinates the overall emergency response and recovery activities within their jurisdiction.

(3) "Operational area level" manages and/or coordinates information, resources, and priorities among local governments within the operational area and serves as the coordination and communication link between the local government level and the regional level.

(4) "Regional level" manages and coordinates information and resources among operational areas within the mutual aid region designated pursuant to Government Code §8600 and between the operational areas and the state level. This level along with the state level coordinates overall state agency support for emergency response activities.

(5) "State level" manages state resources in response to the emergency needs of the other levels, manages and coordinates mutual aid among the mutual aid regions and between the regional level and state level, and serves as the coordination and communication link with the federal disaster response system.

(c) Local government, operational area, regional, and state levels shall provide for all of the following functions within SEMS: management, operations, planning/intelligence, logistics, and finance/administration.

(1) Management is responsible for overall emergency policy and coordination through the joint efforts of governmental agencies and private organizations.

(2) Operations is responsible for coordinating all jurisdictional operations in support of the response to the emergency through implementation of the organizational level's action plan.

(3) Planning/Intelligence is responsible for collecting, evaluating, and disseminating information; developing the organizational level's action plan in coordination with the other functions; and maintaining documentation.

(4) Logistics is responsible for providing facilities, services, personnel, equipment, and materials.

(5) Finance/Administration is responsible for financial activities and administrative aspects not assigned to the other functions.

NOTE: Authority cited: Section 8607(a), Government Code. Reference: Sections 8607, 8559, 8605 and 8600, Government Code.

HISTORY

1. New article 4 and section filed 8-3-94; operative 9-2-94 (Register 94, No. 31).

§ 2405. Field Response Level.

(a) Emergency response agencies operating at the field response level of an incident shall utilize the Incident Command System, incorporating the functions, principles and components of ICS.

(1) The functions of ICS are command, operations, planning, logistics and finance.

(A) Command is the directing, ordering, and/or controlling of resources by virtue of explicit legal, agency, or delegated authority.

(B) Operations is responsible for the coordinated tactical response of all field operations directly applicable to or in support of the mission(s) in accordance with the Incident Action Plan.

(C) Planning (may be referred to as planning/intelligence) is responsible for the collection, evaluation, documentation, and use of information about the development of the incident, and the status of resources.

(D) Logistics is responsible for providing facilities, services, personnel, equipment, and materials in support of the incident.

(E) Finance (may be referred to as finance/administration) is responsible for all financial and cost analysis aspects of the incident, and for any administrative aspects not handled by the other functions.

(2) The principles of ICS are that:

(A) The system provides for the following kinds of operation: single jurisdictional responsibility/single agency involvement, single jurisdictional responsibility with multiple-agency involvement, and multiple-

jurisdictional responsibility with multiple-agency involvement.

(B) The system's organizational structure adapts to any emergency or incident to which emergency response agencies would be expected to respond.

(C) The system shall be applicable and acceptable to all user agencies.

(D) The system is readily adaptable to new technology.

(E) The system expands in a rapid and logical manner from an initial response into a major incident and contracts just as rapidly as organizational needs of the situation decreases.

(F) The system has basic common elements in organization, terminology and procedures.

(3) The components of ICS are common terminology, modular organization, unified command structure, consolidated action plans, manageable span-of-control, predesignated incident facilities, comprehensive resource management, and integrated communications.

(A) Common terminology is the established common titles for organizational functions, resources, and facilities within ICS.

(B) Modular organization is the method by which the ICS organizational structure develops based upon the kind and size of an incident. The organization's staff builds from the top down with responsibility and performance placed initially with the Incident Commander. As the need exists, operations, planning, logistics, and finance may be organized as separate sections, each with several units.

(C) Unified command structure is a unified team effort which allows all agencies with responsibility for the incident, either geographical or functional, to manage an incident by establishing a common set of incident objectives and strategies. This is accomplished without losing or abdicating agency authority, autonomy, responsibility or accountability.

(D) Consolidated action plans identify objectives and strategy determinations made by the Incident Commander for the incident based upon the requirements of the jurisdiction. In the case of a unified command, the incident objectives must adequately reflect the policy and needs of all the jurisdictional agencies. The action plan for the incident covers the tactical and support activities required for the operational period.

(E) Manageable span-of-control within ICS is a limitation on the number of emergency response personnel who can effectively be supervised or directed by an individual supervisor. The kind of incident, the nature of the response or task, distance and safety will influence the span of control range. The ordinary span-of-control range is between three and seven personnel.

(F) Predesignated incident facilities are identified within ICS. The determination of the kinds and locations of facilities to be used will be based upon the requirements of the incident.

(G) Comprehensive resource management is the identification, grouping, assignment and tracking of resources.

(H) Integrated communications are managed through the use of a common communications plan and an incident-based communications center established for the use of tactical and support resources assigned to the incident.

(b) Where an agency has jurisdiction over multiple-agency incidents, it shall organize the field response using ICS to provide for coordinated decision-making with emergency response agencies.

NOTE: Authority cited: Section 8607(a), Government Code. Reference: Sections 8607(a)(1) and (c), Government Code; and Sections 13071 and 13072, Health and Safety Code.

HISTORY

1. New section filed 8-3-94; operative 9-2-94 (Register 94, No. 31).

§ 2407. Local Governmental Level.

(a) The Standardized Emergency Management System as described under SEMS Organizational Levels and Functions (§2403) shall be utilized:

(1) when the local government emergency operations center is activated.

(2) when a local emergency, as defined in Government Code §8558(c), is declared or proclaimed.

(b) When a local government EOC is activated, communications and coordination shall be established between the Incident Commander(s) and the department operations center(s) to the EOC or between the Incident Commander(s) and the EOC. Coordination of fire and law enforcement resources shall be accomplished through their respective mutual aid systems.

(c) Communications and coordination shall be established between a local government EOC, when activated, and any state or local emergency response agency having jurisdiction at an incident occurring within that local government's boundaries.

(d) Local government shall use multi-agency or inter-agency coordination to facilitate decisions for overall local government level emergency response activities.

NOTE: Authority cited: Section 8607(a), Government Code. Reference: Sections 8558(c), 8607(a) and (e), Government Code.

HISTORY

1. New section filed 8-3-94; operative 9-2-94 (Register 94, No. 31).

§ 2409. Operational Area Level.

(a) "Operational Area Level" means an intermediate level of the state emergency services organization, consisting of a county and all political subdivisions within the county area. Each county geographic area is designated as an operational area. An operational area is used by the county and the political subdivisions comprising the operational area for the coordination of emergency activities and to serve as a link in the system of communications and coordination between the state's emergency operation centers and the operation centers of the political subdivisions comprising the operational area, as defined in Government Code §8559(b) & §8605. This definition does not change the definition of operational area as used in the existing fire and rescue mutual aid system.

(b) All local governments within the county geographic area shall be organized into a single operational area by December 1, 1995, and the county board of supervisors shall be responsible for its establishment.

(c) The operational area authority and responsibility under SEMS shall not be affected by non-participation of any local government(s) within the operational area.

(d) The county government shall serve as the lead agency of the operational area unless another member agency of the operational area assumes that responsibility by written agreement with county government.

(e) The lead agency of the operational area shall:

(1) Coordinate information, resources and priorities among the local governments within the operational area.

(2) Coordinate information, resources and priorities between the regional level and the local government level. Coordination of fire and law enforcement resources shall be accomplished through their respective mutual aid systems.

(3) Use multi-agency or inter-agency coordination to facilitate decisions for overall operational area level emergency response activities.

(f) The operational area EOC shall be activated and SEMS used as described in the SEMS Organizational Levels and Functions (§2403) when any of the following conditions exists:

(1) A local government within the operational area has activated its EOC and requested activation of the operational area EOC to support their emergency operations.

(2) Two or more cities within the operational area have declared or proclaimed a local emergency.

(3) The county and one or more cities have declared or proclaimed a local emergency.

(4) A city, city and county, or county has requested a governor's proclamation of a state of emergency, as defined in Government Code §8558(b).

(5) A state of emergency is proclaimed by the governor for the county or two or more cities within the operational area.

(6) The operational area is requesting resources from outside its boundaries, except those resources used in normal day-to-day operations which are obtained through existing agreements providing for the exchange or furnishing of certain types of facilities and services on a re-

imbursable, exchange, or other basis as provided for under the Master Mutual Aid Agreement.

(7) The operational area has received resource requests from outside its boundaries, except those resources used in normal day-to-day operations which are obtained through existing agreements providing for the exchange or furnishing of certain types of facilities and services on a reimbursable, exchange, or other basis as provided for under the Master Mutual Aid Agreement.

NOTE: Authority cited: Section 8607(a), Government Code. Reference: Sections 8607(a), 8558(c), 8559(b), 8605, 8561, 8616, 8617, 8618, Government Code.

HISTORY

1. New section filed 8-3-94; operative 9-2-94 (Register 94, No. 31).

§ 2411. Regional Level.

(a) The regional level EOC shall be activated and SEMS used as described in SEMS Organizational Levels and Functions (§2403) when any operational area EOC within the mutual aid region is activated.

(b) The lead agency for establishment of the regional level EOC shall be OES.

(c) The location of the regional level EOC shall be identified by OES to accommodate the needs of the operational area(s) served.

(d) When the regional level EOC is activated, communications and coordination shall be established with the operational area(s), the state level EOC, and regional level department operations centers. Coordination of fire and law enforcement resources shall be accomplished through their respective mutual aid systems.

(e) The regional level shall use multi-agency or inter-agency coordination to facilitate decisions for overall regional level emergency response activities.

NOTE: Authority cited: Section 8607(a), Government Code. Reference: Sections 8607(a), 8600 and 8559(a), Government Code.

HISTORY

1. New section filed 8-3-94; operative 9-2-94 (Register 94, No. 31).

§ 2413. State Level.

(a) The state level EOC shall be activated and SEMS used as described in SEMS Organizational Levels and Functions (§2403) when any of the following conditions exists:

(1) A regional level EOC is activated.

(2) Upon the governor's proclamation of a state of emergency.

(3) Upon the governor's proclamation of an earthquake or volcanic prediction.

(b) The lead agency for establishment of the state level EOC shall be OES.

(c) When the state level EOC is activated, communications and coordination shall be established with the regional level EOC(s), state level department operations centers, and federal emergency response agencies. Coordination of fire and law enforcement resources shall be accomplished through their respective mutual aid systems.

(d) The state level shall use multi-agency or inter-agency coordination to facilitate decisions for overall state level emergency response activities.

NOTE: Authority cited: Section 8607(a). Reference: Sections 8607(a) and 8558(b), Government Code.

HISTORY

1. New section filed 8-3-94; operative 9-2-94 (Register 94, No. 31).

§ 2415. Mutual Aid.

(a) "Mutual Aid" means voluntary aid and assistance by the provision of services and facilities, including but not limited to: fire, police, medical and health, communication, transportation, and utilities. Mutual aid is intended to provide adequate resources, facilities, and other support to jurisdictions whenever their own resources prove to be inadequate to cope with a given situation.

(b) "Mutual Aid System" means the system which allows for the progressive mobilization of resources to/from emergency response agencies, local governments, operational areas, regions, and the state with the intent of providing adequate resources to requesting agencies. The Cali-

fornia mutual aid system includes several discipline-specific mutual aid systems (e.g., fire and rescue, law enforcement, medical and public works) which are consistent with the Master Mutual Aid Agreement.

(c) All mutual aid systems and agreements shall be consistent with SEMS and the Master Mutual Aid Agreement.

(d) Unless otherwise provided by agreement, the responsible local official in whose jurisdiction(s) an incident requiring mutual aid has occurred remains in charge and retains overall direction of personnel and equipment provided through mutual aid (as provided for in Government Code §8618).

NOTE: Authority cited: Section 8607(a), Government Code. Reference: Sections 8607(a)(3), 8561, 8616, 8617 and 8618, Government Code.

HISTORY

1. New section filed 8-3-94; operative 9-2-94 (Register 94, No. 31).

Article 5. Standardized Emergency Management System Advisory Board

§ 2425. Establishment and Purpose.

The Director, OES, shall establish the SEMS Advisory Board consisting of representatives from emergency response agencies to provide advice on all aspects of this Chapter.

NOTE: Authority cited: Section 8607(a), Government Code. Reference: Sections 8607(a) and 8587, Government Code.

HISTORY

1. New article 5 and section filed 8-3-94; operative 9-2-94 (Register 94, No. 31).

Article 6. Training

§ 2428. Minimum Performance Objectives.

(a) Emergency response agencies shall determine the appropriate level(s) of SEMS instruction for each member of their staff, based upon the staff member's potential assignment during an emergency response.

(b) Emergency response agencies shall ensure that their emergency response personnel can demonstrate and maintain, to the level deemed appropriate, the minimum SEMS performance objectives required by their agencies' training programs. Agencies shall use the Minimum Performance Objectives contained in the Approved Course of Instruction (ACI) Syllabus dated March 1, 1995, which are hereby incorporated by reference, as the basis for their training programs. Minimum Performance Objectives are contained in Paragraph D of each Course Module description.

(c) SEMS minimum performance objectives shall be met through completion of materials from the ACI, completion of equivalent courses of instruction, or through incorporation of the objectives into exercises.

NOTE: Authority cited: Section 8607(a), Government Code. Reference: Sections 8607(a) and (e), Government Code.

HISTORY

1. New article 6 and section filed 8-3-94; operative 9-2-94 (Register 94, No. 31).
2. Amendment of section heading, section and NOTE filed 12-1-95; operative 12-31-95 (Register 95, No. 48).

Article 7. Compliance

§ 2443. General Provisions.

(a) Local government must use SEMS in order to be eligible for state funding of response-related personnel costs occurring in response to an incident as defined in § 2402(i). All state agencies shall use SEMS to coordinate multiple jurisdiction or multiple agency emergency and disaster operations.

(b) Compliance with SEMS shall be documented in the areas of planning, training, exercises, and performance.

(c) All applicants for reimbursement of response-related personnel costs shall self-certify compliance with §2445, 2446, 2447, and 2448. This self-certification shall be submitted in writing with the application.

(d) Evidence of compliance with SEMS as set forth in §2445, 2446, 2447, and 2448 shall be available for review.

(e) When the OES Director determines sufficient evidence exists to warrant a SEMS Compliance review, a Review Team shall be established to evaluate the compliance with SEMS of any local government which has requested funding of its response-related personnel costs under disaster assistance programs, or any operational area or state agency. The OES Director shall notify the local government, operational area, or state agency being evaluated, the SEMS Advisory Board, and the fund(s) administrator of any disaster assistance program of the establishment of the Review Team. At a minimum, participants on the Review Team shall include peers of the entity being evaluated, OES staff, and others knowledgeable in emergency operations and SEMS. The Review Team shall meet with the local government, operational area, or state agency being evaluated and solicit all pertinent information. The team may also review records and interview persons knowledgeable on the SEMS compliance activities of the entity being evaluated. The Review Team shall report its findings to the local government, operational area, or state agency that was evaluated, the SEMS Advisory Board, and the OES Director. This report must be issued within ninety (90) days of the establishment of the Review Team.

(f) The SEMS Advisory Board shall examine the Review Team's report within sixty (60) days of submittal of the report. The SEMS Advisory Board shall also consider additional information pertinent to the evaluation. The local government, operational area, or state agency being evaluated may submit additional information to the Board, either verbally or in writing. After consideration, the SEMS Advisory Board shall submit a recommendation to the OES Director. A copy of the recommendation shall be forwarded to the local government, operational area, or state agency being evaluated.

(g) The OES Director shall make a determination on whether or not the local government, operational area, or state agency being evaluated was in compliance with SEMS. This determination shall be forwarded to the local government, operational area, or state agency being evaluated by certified letter within thirty (30) days of the SEMS Advisory Board's recommendation. A copy of the determination shall be provided to the fund(s) administrator of any disaster assistance program.

NOTE: Authority cited: Section 8607(a), Government Code. Reference: Sections 8607(e), 8682.9 and 8558(c), Government Code.

HISTORY

1. New article 7 and section filed 8-3-94; operative 9-2-94 (Register 94, No. 31).
2. Repealer and new section heading, section and NOTE filed 12-1-95; operative 12-31-95 (Register 95, No. 48).

§ 2444. Appeal Process.

(a) In the event the local government, operational area, or state agency being evaluated disagrees with the determination of the OES Director, the local government, operational area, or state agency may request a reconsideration of the determination. The request must be submitted within thirty (30) days of receipt of the letter of determination.

(b) The request for reconsideration shall be in writing and indicate why the local government, operational area, or state agency disagrees with the decision, any new or additional pertinent information, and any legal authority or other basis for the disagreement with the determination.

(c) The OES Director shall review the request for reconsideration and make a determination. The local government, operational area, or state agency that submitted the request for reconsideration shall be notified of the OES Director's decision by certified letter within thirty (30) days of receipt of the request for reconsideration. A copy of the determination shall be provided to the fund(s) administrator of any disaster assistance program.

(d) The OES Director's decision shall be considered final for the purposes of the appeal process.

NOTE: Authority cited: Section 8607(a), Government Code. Reference: Section 8607(e), Government Code.

HISTORY

1. New section filed 12-1-95; operative 12-31-95 (Register 95, No. 48).

§ 2445. Planning.

Local governments, operational areas, and state agencies shall include the use of SEMS in emergency plans and procedures pursuant to §2403, 2405, 2407, 2409, 2411, 2413 and 2415.

NOTE: Authority cited: Section 8607(a), Government Code. Reference: Sections 8607(a), 8607(b), 8607(c) and 8607.2(c), Government Code.

HISTORY

1. New section filed 12-1-95; operative 12-31-95 (Register 95, No. 48).

§ 2446. Training.

Local governments, operational areas, and state agencies shall document SEMS training provided to its emergency response personnel pursuant to §2428.

NOTE: Authority cited: Section 8607(a), Government Code. Reference: Section 8607(c), Government Code.

HISTORY

1. New section filed 12-1-95; operative 12-31-95 (Register 95, No. 48).

§ 2447. Exercises.

Local governments, operational areas, and state agencies shall incorporate the use of SEMS pursuant to §2403, 2405, 2407, 2409, 2411, 2413 and 2415 at all levels of operation when exercises are performed.

NOTE: Authority cited: Sections 8607(a) and 8607.2(c), Government Code. Reference: Sections 8607(c) and 8607.2(c), Government Code.

HISTORY

1. New section filed 12-1-95; operative 12-31-95 (Register 95, No. 48).

§ 2448. Performance.

Local governments, operational areas, and state agencies shall document the use of SEMS. Documentation shall include activities performed pursuant to §2403, 2405, 2407, 2409, 2411, 2413 and 2415 during the emergency.

NOTE: Authority cited: Section 8607(a), Government Code. Reference: Section 8607(d), Government Code.

HISTORY

1. New section filed 12-1-95; operative 12-31-95 (Register 95, No. 48).

Article 8. After Action Reports

§ 2450. Reporting Requirements.

(a) Any city, county and county, or county declaring a local emergency for which the governor proclaims a state of emergency, and any state agency responding to that emergency shall complete and transmit an after action report to OES within ninety (90) days of the close of the incident period as specified in California Code of Regulations, Title 19, §2900(j).

(b) The after action report shall, at a minimum, be a review of response actions taken, application of SEMS, suggested modifications to SEMS, necessary modifications to plans and procedures, identified training needs, and recovery activities to date.

NOTE: Authority cited: Section 8607(a), Government Code. Reference: Section 8607(f), Government Code.

HISTORY

1. New article 8 and section filed 8-3-94; operative 9-2-94 (Register 94, No. 31).
2. Repealer of subsection (c) filed 12-1-95; operative 12-31-95 (Register 95, No. 48).

Chapter 2. Emergencies and Major Disasters

Subchapter 1. Individual Family Grant Program

§ 2501. Individual and Family Grant Program for Emergencies and Major Disasters.

Whenever the Governor has proclaimed a State of Emergency and the President has declared an emergency or a major disaster to exist in the

State, and has authorized the Individual and Family Grant Program (IFGP) as prescribed by Section 408 of the Federal Disaster Relief Act of 1974 (Public Law 93-288), the Governor shall direct the Office of Emergency Services (OES) to take any steps necessary to make the grant program available to the residents of the State.

The OES may designate a State agency to administer the Individual and Family Grant Program, and in accordance with Government Code Section 8654(c) develop the California Administrative Plan for IFGP. The designated agency may contract with local agencies in the affected counties to assist in implementing the program.

Administration of IFGP will be performed in accordance with the terms of the California Administrative Plan for IFGP and with 24 CFR 2205.48.

Eligibility for grants of up to \$5,000 will be determined in accordance with the criteria established in 24 CFR 2205.48 and other Housing and Urban Development Department regulations.

The California Administrative Plan for IFGP and the federal regulations referred to above, describe procedures for application and administration; methods of investigation, processing, and approving applications; formation of local or statewide review boards to pass upon applications; and procedures for appeals.

NOTE: Authority cited: Sections 8587 and 8654, Government Code. Reference: Section 8654, Government Code.

HISTORY

1. Repealer of chapter 2 (sections 2250-2280) filed 9-2-77; effective thirtieth day thereafter (Register 77, No. 36). For prior history, see Register 10, No. 1.
2. New chapter 2, subchapter 1 (section 2501) filed 3-6-78 as an emergency; effective upon filing (Register 78, No. 10).
3. Certificate of Compliance filed 6-20-78 (Register 78, No. 25).
4. Amendment of chapter heading filed 8-3-94; operative 9-2-94 (Register 94, No. 31).

Subchapter 2. Hazardous Substances Emergency Response Training

§ 2510. Definitions.

(a) "Authorized Representative". Any person, or group of people, authorized in writing by the Chief of the Hazardous Materials Section of CSTI to: conduct specific tasks related to the administration or delivery of training activities that are part of the California Hazardous Substances Incident Response Training and Education Program; conduct audits under the provisions of this program; or perform other specific tasks as directed by the Chief of the Hazardous Materials Section.

(b) "CSTI" refers to the "California Specialized Training Institute", Training Division of the Governors Office of Emergency Services.

(c) "Certified Class". A class that meets the requirements of the regulations regarding the California Hazardous Substances Incident Response Training and Education Program (Title 19, California Code of Regulations, Division 2, Chapter 1, Sub-Chapter 2, Sections 2510-2560).

(d) "Course Manager". The individual California State Certified Hazardous Materials Instructor responsible for ensuring that a certified course meets the requirements of these regulations.

(e) "Current Certification" means written documentation (Certificate, letter, spread sheet or similar writings) which show that the named individual has completed a specific course of study on a specific date, and the time that has elapsed since the completion of that course of study is equal to or less than one year (in the case of training under Title 8 CCR 5192(q)(6)), or as defined by the employer.

(f) "Field Training Program" refers to the California Hazardous Substances Incident Response Training and Education Program as defined in section 8574.20 of the California Government Code.

(g) "Instructor". An individual person who instructs a portion of a certified course, assists with an exercise in a certified course or performs other acts or tasks in support of the instruction of a certified class.

(h) "Outreach" is a colloquial term applied to individuals who are certified by CSTI as instructors, but who are not CSTI employees or under CSTI contract. An outreach instructor is approved to teach "Certified Class(s)", as listed under Title 19 CCR § 2520. The Outreach program is designed to take selected CSTI resident classes out to the local jurisdiction.

tion through a train-the-trainer program. CSTI develops the program, provides instructor training and places the course training requirements into regulation (Title 19 CCR 2520–2560). CSTI certified instructors from various jurisdictions, agencies, industry and groups are provided with a student manual, teaching materials, certified examination and handouts to reproduce as needed during the C.S.T.I. Instructor Certification Course.

(i) “Terminal Objectives” (also known as Terminal Learning Objectives) are the main objectives of the lesson or section. They describe exactly what the student must be capable of performing under the stated conditions and to the prescribed standard(s), upon completion of the lesson.

(j) “WMD” Weapons of Mass Destruction: As used in these regulations and CSTI WMD courses, the term WMD is any potential or actual use of a nuclear, biological or chemical agent, as well as any explosive or incendiary device designed to intentionally kill or harm people.

NOTE: Authority cited: Section 8574.20(a), Government Code. Reference: Hazardous Substances Emergency Response Training, Section 8574.20(b), Government Code.

HISTORY

1. New section filed 7–8–91; operative 8–7–91 (Register 91, No. 46).
2. Amendment filed 5–12–94; operative 6–13–94 (Register 94, No. 19).
3. Editorial correction of subsection (u) (Register 96, No. 52).
4. Amendment of subsections (p) and (v), new subsections (ii)–(nn), and repealer and new NOTE filed 12–23–96; operative 1–22–97 (Register 96, No. 52).
5. Amendment of subsection (g) filed 10–15–98; operative 11–14–98 (Register 98, No. 42).
6. Amendment filed 12–18–2007; operative 1–17–2008 (Register 2007, No. 51).

§ 2520. Student Certification Curriculum.

(a) Haz Mat Emergency Response – First Responder Awareness Level.

(1) Certified curriculum for First Responder Awareness Level shall include all of the following course objectives:

(A) Student shall define the term “hazardous materials”; identify how hazardous materials can harm people, the environment and property; and state the role of the First Responder at the Awareness level as defined by Title 8 California Code of Regulations §5192(q)(6)(A).

(B) Student shall recognize a Haz Mat incident through basic clues, warning signs, placards, labels, shipping papers, and material safety data sheets; identify, from a safe distance, the hazardous substance(s) present at the incident; understand the need for a positive safety attitude; and, describe a safe approach to a Haz Mat incident.

(C) Student shall describe first responder awareness actions, understanding the need for responder safety, isolation of the incident scene, the need for additional resources and making required notifications.

(D) Student shall identify the purpose and need to safely initiate command; cite basic identification and assessment techniques; demonstrate the use of the Department of Transportation North American Emergency Response Guidebook (current DOT NAERG) for basic action planning.

(2) Certified curriculum for First Responder Awareness Level shall include all of the current course material listed in Section 2540(t).

(3) Certified curriculum for First Responder Awareness Course shall be a minimum of 4 hours in length.

(4) Certified curriculum for First Responder Awareness Course shall include the following training exercise:

(A) Participation in a table-top exercise including successful completion of the following objectives:

(i) Determine if a hazardous material exists and what notifications are necessary;

(ii) Identify safety techniques, isolation methods, and agencies and resources needed;

(iii) Conduct safe identification and assessment using the current NAERG; and,

(iv) Identify essential information to give to the Incident Commander.

(5) Certified curriculum for First Responder Awareness Course shall include the following evaluation method:

(A) Completion of a CSTI certified First Responder Awareness written exam with a minimum passing score of 70% correct.

(6) Certification for participants in the First Responder Awareness Course shall include successful completion of a certified course as referenced in section 2520(a) as delivered by a CSTI certified instructor as referenced in section 2530. Student shall meet a minimum attendance of 4 hours, accomplish all objectives, participate in the training exercise and complete the evaluation method at the 70% standard as referenced in section 2520 (a).

(b) Haz Mat Emergency Response – First Responder Operations Level.

(1) Certified curriculum for First Responder Operations Level shall include all of the course objectives in Section 2520(a)(1) and all of the following course objectives:

(A) Student shall state the role of the First Responder at the Operations level as defined by Title 8 California Code of Regulations §5192(q)(6)(B).

(B) Student shall define basic terms used in emergency responses to releases of hazardous materials.

(C) Student shall describe basic first responder operations initial actions.

(D) Student shall explain the purpose, need and benefits, of scene management; describe the basic implementation of the Incident Command System (ICS) to manage a Haz Mat incident; and, demonstrate proper information flow from First Responder to Incident Commander at an incident command post.

(E) Student shall describe identification and assessment techniques and demonstrate the use of the current Department of Transportation North American Emergency Response Guidebook for basic action planning.

(F) Student shall explain the need for, types, selection criteria and limits of protective equipment commonly used in Haz Mat incidents.

(G) Student shall describe the value, methods and limitations of stabilizing the Haz Mat incident through safe containment; and, describe the proper protective action and rescue options available to first responders, within their capabilities and resources.

(H) Student shall identify the need for the appropriate decontamination of the victims, emergency response personnel and equipment, in order to avoid additional contamination; and, describe proper disposal and documentation procedures during a Haz Mat response.

(I) Student shall identify the need and method to communicate and coordinate with typical agencies from all levels of government having authorized activities dealing with a Haz Mat event, citing those agencies, their roles/responsibilities and capabilities.

(J) Student shall identify the local contingency plan to follow in his/her jurisdiction when dealing with a Haz Mat incident; and to describe the purpose, value, components, and limits of both pre-event and event-specific planning.

(K) Student shall describe the health effects that Haz Mats present to the first responder’s life safety.

(L) Student shall describe a process for a safe and competent response to a Haz Mat incident, including explanation of the “risk vs. gain” concept.

(M) Student shall demonstrate proper and safe first-responder actions in a simulated Haz Mat incident.

(N) Student shall identify the legal role and rights of the media at a Haz Mat incident; describe the media capabilities that may aid in the incident response; and, cite basic Haz Mat legal aspects.

(2) Certified Curriculum for First Responder Operations Level shall include all of the current course material listed in Section 2540(t).

(3) Certified curriculum for First Responder Operations Course shall be a minimum of 16 hours in length if the class participants have not had First Responder Awareness training meeting the minimum terminal objectives specified in Title 19 CCR 2520(a) and Title 8, California Code of Regulations, Section 5192(q). If all of the class participants have had such training and present proof of current certification to the Course Manager then the minimum hours for a Certified Course may be 12 hours. A Certified Course 12 hours in length shall meet only the course

objectives of this Section and may delete the course objectives in Section 2520(a)(1).

(4) Certified curriculum for First Responder Operations Course shall include the following training exercises:

(A) Demonstrate proper use of the current Department of Transportation North American Emergency Response Guide Book to include the following:

(i) Given ten or more United Nations four digit numbers and or chemical names, participants will identify guide number including primary hazard, basic actions, and isolation and protective action distances as needed.

(B) Participation in a simulated field Haz Mat exercise including successful completion of the following objectives:

(i) Demonstrate proper safety, isolation and notifications for a simulated Haz Mat incident;

(ii) Based on a simulated Haz Mat release, demonstrate the basic identification process using the current DOT guidebook;

(iii) Based on an identification and hazard assessment process, identify the proper safe containment and protective action options; and,

(iv) Identify essential information to be given by the First Responder to the Incident Commander.

(5) Certified curriculum for First Responder Operations Course shall include the following evaluation method:

(A) Completion of a CSTI certified First Responder Operations written exam with a minimum passing score of 70% correct.

(6) Certification for participants in the First Responder Operations Course shall include successful completion of a certified course as referenced in section 2520(b) as delivered by a CSTI certified instructor as referenced in section 2530. Student shall meet a minimum attendance of 16 hours, except as noted in Paragraph (3) of this Section, accomplish all objectives, participate in training exercises and complete the evaluation method at the 70% standard as referenced in section 2520(b).

(c) Haz Mat Emergency Response – Incident Commander.

(1) Certified curriculum for Incident Commander Level shall include all of the course objectives in Section 2520(a)(1), Section 2520(b)(1) and all of the following course objectives except as noted in paragraph (3) of this Section:

(A) Student shall state the role of the Incident Commander (IC) as defined by applicable OSHA regulations.

(B) Student shall demonstrate the ability to collect and interpret hazard and response information from sources such as printed reference material, computer databases and other technical resources.

(C) Student shall demonstrate the ability to write strategic incident objectives for a simulated emergency response to a release of hazardous materials.

(D) Student shall explain the purpose, need, and elements of command/scene management; and, demonstrate capability to implement ICS.

(E) Student shall explain identification and hazard assessment techniques to aid the IC in action planning for a Haz Mat incident.

(F) Student shall explain the hazards, risks and limits of protective equipment commonly used in Haz Mat incidents; and, cite the role of the Incident Commander regarding the selection and use of personal protective equipment.

(G) Student shall identify the IC role in selecting safe containment and control methods to stabilize a hazardous materials incident.

(H) Student shall describe two primary Haz Mat protective action options, identify factors to evaluate in selecting a protective action option and cite their practical application.

(I) Student shall describe steps to bring the incident to final closure after stabilization, providing for proper decontamination and cleanup; and cite the role of the Incident Commander in decontamination.

(J) Student shall cite basic Haz Mat disposal requirements and cite funding sources with available to the IC.

(K) Student shall identify the need for documentation at Haz Mat incidents; and demonstrate ability to properly complete pertinent reports.

(L) Student shall identify government and private sector resources available to assist in an emergency response to a release of hazardous materials and state their jurisdiction, authority and capabilities.

(M) Student shall understand their own local pre-event Haz Mat plan; how to implement the management system used in that plan; be aware of the state plan; and describe the role of the federal regional response teams.

(N) Student shall explain the role of IC regarding response personnel's safety.

(O) Student shall describe a process for the management of a safe and competent response to a Haz Mat incident, including explanation of the risk vs. gain concept.

(P) Student shall identify the legal role and rights of the media in a Haz Mat incident and understand media capabilities to aid the IC.

(Q) Student shall identify the need for investigations of releases of hazardous materials and the role of the Incident Commander in those investigations.

(R) Student shall explain value, types, and limits of exercises and critiques.

(S) Student shall state the purpose of and the criteria for the activation of an Emergency Operation Center and cite how it is a resource to aid in managing a Haz Mat disaster.

(T) Student shall cite current Haz Mat laws and potential legal liabilities pertinent to the IC's employer.

(2) Certified curriculum for Incident Commander Level shall include all of the current course material listed in Section 2540(t).

(3) Certified curriculum for an Incident Commander Course shall be a minimum of 32 hours in length if the class participants have not had First Responder Operations training meeting the minimum terminal objectives specified in Title 19 CCR 2520(b) and Title 8, California Code of Regulations, Section 5192(q)(6)(B). If all of the class participants have had such training and present proof of current certification to the Course Manager then the minimum hours for a Certified Course may be 16 hours. A Certified Course 16 hours in length shall meet only the course objectives of this Section and may delete the course objectives in Section 2520(a)(1) and Section 2520(b)(1) and the training exercise in paragraph (4)(A) of this Section.

(4) Certified curriculum for Incident Commander Course shall include the following training exercises:

(A) Demonstrate proper use of the current Department of Transportation North American Emergency Response Guide Book to include the following:

(i) Given ten or more United Nations four-digit numbers and or chemical names, participants will identify guide number, including primary hazard, basic actions, and isolation and protective action distances as needed.

(B) Participation in a tabletop exercise or simulated field functional Haz Mat exercise including successful completion of the following objectives:

(i) Demonstrate the ability to assume ICS command and general staff positions, set up a unified command post, and establish communication and coordination with all response agencies during a simulated Haz Mat incident;

(ii) Based on a simulated Haz Mat incident, manage a complete identification and hazard assessment process;

(iii) Based on a complete identification and hazard assessment process, write an incident action-plan leading to the mitigation of a simulated Haz Mat incident; and,

(iv) Demonstrate the ability of command to ensure the safety of all responders by completing an ICS Form 208 HM, Revised 3/98, (Site Safety and Control Plan).

(5) Certified curriculum for Incident Commander Course shall include the following evaluation method:

(A) Completion of a CSTI certified IC written exam with a minimum passing score of 70% correct.

(6) Certification for participants in the Incident Commander Course shall include successful completion of a certified course as referenced in section 2520(c) as delivered by a CSTI certified instructor as referenced in section 2530. Student shall meet a minimum attendance of 32 hours (or 16 hours for a class meeting the requirements of paragraph (3) of this Section), accomplish all objectives, participate in training exercises (except as noted in paragraph (3) of this Section) and complete the evaluation method at the 70% standard as referenced in section 2520 (c).

(d) Hazardous Materials Emergency Response – Executive Management.

(1) Certified curriculum for Hazardous Materials Emergency Response – Executive Management Course shall include all of the following course objectives:

(A) Student shall understand the current Haz Mat problem, compare the various levels of Haz Mat responders, and identify the role of Executive Manager in a Haz Mat day-to-day emergency and disaster response.

(B) Student shall grasp an awareness of laws pertaining to, and liability incurred by, government response personnel, Executive Managers, and the jurisdiction itself, when planning for, and responding to, a Haz Mat emergency/disaster.

(C) Student shall identify the essential components of 29 CFR 1910.120 and Title 8, CCR section 5192 as they pertain to planning, response, training and safety requirements for government agencies responding to a Haz Mat emergency/disaster.

(D) Student shall understand need to communicate and coordinate with any agency having authorized activities dealing with a Haz Mat incident, recognizing agencies' essential roles, needs, and limits; and, describe the purpose, essential components, value and limits of Haz Mat pre-event and event-specific plans.

(E) Student shall understand the needs of agency personnel providing the operational response to a field Haz Mat emergency, and describe the responsibilities of management for the safety of those personnel, including regulations requiring specified safety standards for Haz Mat responders.

(F) Student shall identify the Haz Mat emergency responders' operational actions and limits, explaining required notifications, resources, and mutual aid concepts while responding to, and managing, a Haz Mat emergency/disaster.

(G) Student shall describe the purpose and need to safely initiate command, and identify need and resources for identification and assessment of Haz Mat, so as to initiate action to mitigate the Haz Mat emergency/disaster.

(H) Student shall explain the need for, types and limits of protective equipment commonly used in Haz Mat emergencies, identify methods to stabilize the incident through safe containment, and describe primary Haz Mat protective action options.

(I) Student shall describe the legal role and need of the media at a Haz Mat incident, and understand media capabilities and limitations to aid in the response.

(J) Student shall understand need and components of a Haz Mat scene management system, and identify use of ICS to assume command and general staff positions to manage the incident.

(K) Student shall understand value and need for proper decontamination and cleanup including issues for contracting with cleanup companies.

(L) Student shall grasp an awareness of Haz Mat disposal requirements and funding sources with potential impact to the Executive Manager.

(M) Student shall identify the need for documentation at Haz Mat incident, and essential components of a Haz Mat report.

(N) Student shall describe the purpose and activation of an EOC and identify the common ICS positions that may report to the EOC during a Haz Mat disaster response.

(O) Student shall explain value, types, and limits of training, exercises and critiques.

(P) Student shall identify need and steps for investigations leading to possible prosecution of the responsible party of the Haz Mat incident.

(Q) Student shall describe the need and possible strategies for mitigation of, and recovery from, a Haz Mat emergency/disaster.

(2) Certified curriculum for Hazardous Materials Emergency Response – Executive Management Course shall include all of the current course material listed in Section 2540(t).

(3) Certified curriculum for Hazardous Materials Emergency Response – Executive Manager Course shall be a minimum of 8 hours in length.

(4) Certified curriculum for Hazardous Materials Executive Emergency Response – Manager Course shall include all of the following training exercises:

(A) Participation in a simulated tabletop exercise including the successful completion of the following objectives:

(i) Identify criteria to activate the EOC;

(ii) Identify staffing by ICS titles and responsibilities for those required to report to the EOC;

(iii) Identify the use of single or unified command in the EOC.

(B) Completion of a draft Haz Mat policy and/or report regarding one of the following subject areas:

(i) Use of scene management system at a Haz Mat incident;

(ii) Safety requirements at a Haz Mat incident;

(iii) Planning requirements before and during a Haz Mat incident;

(iv) Training and exercising requirements for a Haz Mat incident;

(v) Mitigation program for Haz Mat incident;

(vi) Public information program for Haz Mat incident;

(vii) Recovery program for Haz Mat incident; and,

(viii) EOC activation, set-up, and staffing policy.

(5) Certification for participants in the Hazardous Materials Emergency Response – Executive Management Course shall include successful completion of a certified course as referenced in section 2520(d) as delivered by a CSTI certified instructor as referenced in section 2530. Student shall meet a minimum attendance of eight hours, accomplish all objectives, and participate in training exercises as referenced in section 2520(d).

(e) Hazardous Materials Emergency Response – Hazardous Materials Investigations.

(1) Certified curriculum for Hazardous Materials Investigations Course shall include all of the following course objectives:

(A) Student shall recognize the need for hazardous materials investigations and develop procedures for proper identification, containment, evidence gathering and preliminary investigation report completion.

(B) Student shall understand proper state and federal laws and regulations dealing specifically with hazardous materials investigations.

(C) Student shall identify safety considerations and determine the characteristics of a hazardous materials incident and the possibility of a violation of a law or regulation.

(D) Student shall demonstrate how to safely and competently respond to a hazardous materials incident and conduct an investigation within the limitations of available resources and capabilities.

(E) Student shall explain the need for, types, selection criteria and limits of protective equipment commonly used in hazardous materials incidents.

(F) Student shall recognize the need for and the processes involved in obtaining and serving search and inspection warrants.

(G) Student shall understand the reason for and methods for comprehensive documentation of a hazardous materials incident investigation.

(H) Student shall identify the need to communicate and the appropriate methods necessary to coordinate communication with any and all agencies having authority at hazardous materials incidents, and shall further insure that each agency's role and capability is recognized.

(I) Student shall develop techniques for interviewing witnesses and interrogating suspects at a hazardous materials incident.

(J) Student shall demonstrate proper methods of sampling, evidence collection, and preservation for chemicals and wastes at a hazardous materials incident.

(K) Student shall demonstrate proper safe and competent response to a simulated hazardous materials crime scene.

(L) Student shall demonstrate proper preliminary investigation report preparation by submitting documentation and evidence to the course coordinator for approval.

(M) Student shall identify the role and assignment of investigators within the Incident Command System.

(N) Student shall recognize specific characteristics and considerations associated with hazardous materials investigations at fixed facilities.

(O) Student shall recognize specific characteristics and considerations associated with hazardous materials investigations at transportation incidents.

(P) Student shall understand the importance of effectively working with the media.

(Q) Student shall recognize major information sources useful to investigators in conducting follow-up hazardous materials investigations.

(2) Certified curriculum for the Hazardous Materials Investigations Course shall include all of the current course material listed in 2540(t).

(3) Certified curriculum for Hazardous Materials Investigations Course shall be 40 hours in length.

(4) Certified curriculum for Hazardous Investigations Course shall include the following training exercises:

(A) Demonstrate proper safe and competent response to a simulated hazardous materials incident or crime scene; and,

(B) Demonstrate proper preparation of a preliminary investigation report which will be submitted to the course coordinator for review, comment and approval.

(5) Certification for participants in the Hazardous Materials Investigations Course shall include successful completion of a certified course as referenced in section 2520(e) as delivered by a CSTI certified instructor as referenced in section 2530. Student shall accomplish all objectives, and participate in training exercises as referenced in section 2520(e). Student shall attend 40 hours of training as defined by Title 19 § 2540(j)(4).

(f) Hazardous Materials Emergency Response – Environmental Monitoring.

(1) Certified curriculum for Hazardous Materials Emergency Response Environmental Monitoring Course shall include all of the following course objectives:

(A) Student shall understand the basics of Haz Mat sampling, including method selection criteria, purpose and objective, types of samples, and development of a sampling plan.

(B) Student shall identify analytical standards used for air and soil/water samples.

(C) Student shall identify the levels of protection of monitoring personnel.

(D) Student shall identify basic air surveillance and soil/water equipment used during a Haz Mat incident.

(E) Student shall understand the documentation and chain-of-custody procedures at a Haz Mat sampling site.

(F) Students shall identify packaging, marking, labeling and shipping of Haz Mat samples.

(G) Student shall identify legal considerations dealing with the sampling procedures.

(H) Student shall identify quality control considerations necessary for air surveillance and soil/water samples.

(2) Certified curriculum for the Hazardous Materials Emergency Response Environmental Monitoring Course shall include all of the current course material listed in Section 2540(t).

(3) Certified curriculum for Hazardous Materials Emergency Response Environmental Monitoring Course shall be a minimum of 40 hours in length.

(4) Certified curriculum for Hazardous Materials Emergency Response Environmental Monitoring Course shall include the following training exercise:

(A) Demonstrate proper use to the instructor of air, soil and water monitoring equipment to include sorbent traps, aerosol filters, organic vapor analyzer, photoionization detector, gas chromatographs and infrared spectrometer.

(5) Certified curriculum for Hazardous Materials Emergency Response Environmental Monitoring Course shall include the following evaluation method:

(A) Completion of a CSTI certified Environmental Monitoring written exam with a minimum passing score of 70% correct.

(6) Certification for participants in the Hazardous Materials Emergency Response Environmental Monitoring Course shall include successful completion of a certified course as referenced in section 2520(f) as delivered by a CSTI certified instructor as referenced in section 2530. Student shall attend 40 hours of training as defined by Title 19 § 2540(j)(4), accomplish all objectives, participate in the training exercise and complete the evaluation method at the 70% standard as referenced in section 2520(f).

(g) Hazardous Materials Emergency Response – Incident At Ports.

(1) Certified curriculum for Hazardous Materials Emergency Response Incident at Ports Course shall include all of the following course objectives:

(A) Student shall compare and contrast the differences in port activities with other Haz Mat activity sources.

(B) Student shall identify the organizations and responsibilities of various port authorities.

(C) Student shall identify the unique agencies or special units with the appropriate authorities involved with port activities including, but not limited to, the U.S. Coast Guard and the Office of Oil Spill Prevention and Response.

(D) Student shall determine the various types of vessels commonly found in ports and the unique characteristics of their construction and operation.

(E) Student shall compare the unique response considerations with conventional response considerations when dealing with port incidents.

(F) Student shall be able to write, revise, and review specific contingency plans dealing with port emergency operations in Haz Mat incidents including, but not limited to, the National Contingency Plan and applicable Area Contingency Plans.

(2) Certified curriculum for the Hazardous Materials Emergency Response Incident at Ports Course shall include all of the current course material listed in Section 2540(t).

(3) Certified curriculum for Hazardous Materials Emergency Response Incident at Ports Course shall be a minimum of 8 hours in length.

(4) Certified curriculum for Hazardous Materials Incident at Ports Course shall include the following training exercise:

(A) Participation in a Haz Mat table-top exercise including successful completion of the following objectives:

(i) Demonstrate proper safety, isolation and notifications for a simulated table-top Haz Mat incident at a port;

(ii) Based on simulated Haz Mat release, demonstrate a basic identification process;

(iii) Based on an identification and hazard assessment process, identify the proper safe containment and protective action options; and,

(iv) Identify essential information to be given by the First Responder to the Incident Commander.

(5) Certified curriculum for Hazardous Materials Incident at Ports Course shall include the following evaluation method:

(A) Completion of a CSTI certified Haz Mat Incidents At Ports written exam with a minimum passing score of 70% correct.

(6) Certification for participants in the Hazardous Materials Incident at Ports Course shall include successful completion of a certified course

as referenced in Section 2520(g) as delivered by a CSTI certified instructor as referenced in Section 2530. Student shall meet a minimum attendance of 8 hours, accomplish all objectives, participate in the training exercise and complete the evaluation method at the 70% standard as referenced in Section 2520(g).

(h) Hazardous Materials Emergency Response – Instructor Certification.

(1) Certified curriculum for Hazardous Materials Emergency Response Instructor Certification Course shall include all of the following course objectives:

(A) Student shall demonstrate an understanding of the background and objectives of the California Hazardous Substances Incident Response Training and Education Program as administered by the Office of Emergency Services, California Specialized Training Institute, as referenced in California Government Code section 8574.20.

(B) The student shall recognize the need for competent instructors to deliver standardized training to hazardous materials responders in the field.

(C) Student shall identify practical techniques for trainers to better facilitate adult learning.

(D) Student shall explain the importance of performance objectives, the need for instructor discipline to accomplish performance objectives, and the value of a motivating delivery technique in achieving performance objectives.

(E) Student shall understand the certified curriculum for the certified course(s), as referenced in section 2520 in which the student is seeking instructor certification.

(F) Student shall understand the importance of presenting a positive first impression.

(G) Student shall understand the essential details in preparing for a class.

(H) Student shall demonstrate an awareness of the Haz Mat audio-visual materials available to support the certified course(s), as referenced in Section 2520 in which the student is seeking instructor certification.

(I) Student shall explain the four-step method of lesson plan development.

(J) Student shall identify effective communication methods and techniques.

(K) Student shall identify the various types of training aids, understand basic techniques for using boards, overhead transparencies and flip charts, and develop at least one training aid for use in the instructional simulation.

(L) Student shall cite the essential elements involved in delivering the class.

(M) Student shall demonstrate an awareness of the requirements to design and deliver successful practical activities that will enhance the trainer's instructional delivery.

(N) Student shall demonstrate the ability to competently instruct at least a 10-minute portion of one block of instruction from the certified course(s), as referenced in Section 2520 in which the student is seeking instructor certification before a peer group and video camera for critique.

(O) Student shall positively critique and compare instructional methods and techniques of the blocks of instruction delivered by other students in the class.

(P) Student shall recognize the need and techniques for testing, evaluating and closing the class.

(Q) Student shall demonstrate an understanding of the California Hazardous Substances Incident Response Training and Education Program requirements, minimum standards, and administrative policies and procedures for state certification as referenced in sections 2510–2560.

(R) Student shall understand proper completion of administrative forms for requesting, delivering, documenting and certifying hazardous materials courses as referenced in section 2540.

(S) Students who will teach any Technician Specialists program course shall understand the essential teaching points, required materials/

exercise training aids, and safety issues associated with the Technician Specialists module/course they will teach.

(T) Students shall describe the safety issues associated with providing hazardous materials emergency response training that demonstrates the comprehension of the Safety Policy in Section 2540(k) of these regulations.

(2) Certified curriculum for Hazardous Materials Emergency Response Instructor Certification Course shall include all of the current course material listed in Section 2540(t).

(3) Certified curriculum for Hazardous Materials Emergency Response Instructor Certification Course shall be a minimum of 32 hours in length.

(4) Certified curriculum for Hazardous Materials Emergency Response Instructor Certification shall include the following instructional simulations:

(A) First Impressions Presentation by Student:

(i) Student shall give a three to five-minute presentation on any subject dealing with Haz Mat response in order for peer group to evaluate first impressions.

(B) Instructional Delivery:

(i) Student shall deliver a minimum ten-minute portion of a certified curriculum, as referenced in Section 2520 in which the student is seeking instructor certification before a peer group and video camera for critique.

(5) Certified curriculum for Hazardous Materials Emergency Response Instructor Certification Course shall include the following evaluation method:

(A) Completion of a CSTI certified Haz Mat Instructor Certification written exam with a minimum passing score of 70% correct.

(6) Certification for participants in the Hazardous Materials Emergency Response Instructor Certification Course shall include all of the following:

(A) Successful completion of the certified course(s), as referenced in section 2520 in which the student is seeking instructor certification;

(B) Successful completion of the certified course as referenced in section 2520(h) and as coordinated by a CSTI Haz Mat section faculty member; and,

(C) Meet a minimum attendance of 32 hours, accomplish all course objectives, complete the evaluation method at the 70% standard and participate in the instructional simulation as referenced in section 2520(h).

(i) Hazardous Materials Emergency Response — Instructor Certification For Trainers.

(1) Certified curriculum for Hazardous Materials Emergency Response Instructor Certification For Trainers Course shall include Items (A) through (L) and (O) through (T) (incorporated by reference) from section 2520 (h) for Hazardous Materials Emergency Response — Instructor Certification and shall include all of the following:

(A) Student shall demonstrate the ability to competently instruct at least a five-minute portion of one block of instruction from the certified course(s), as referenced in Section 2520 in which the student is seeking instructor certification before a peer group.

(B) Students who will teach any Technician Specialists program course shall understand the essential teaching points, required materials/exercise training aids, and safety issues associated with the Technician Specialists module/course they will teach.

(C) Students shall describe the safety issues associated with providing hazardous materials emergency response training that demonstrates the comprehension of the Safety Policy in Section 2540(k) of these regulations.

(2) Certified curriculum for Hazardous Materials Emergency Response Instructor Certification For Trainers Course shall include all of the current course material listed in Section 2540(t).

(3) Certified curriculum for Hazardous Materials Emergency Response Instructor Certification For Trainers Course shall be a minimum of 16 hours in length.

(4) Certified curriculum for Hazardous Materials Emergency Response Instructor Certification For Trainers Course shall include the following instructional simulation:

(A) Instructional Delivery:

(i) Student shall deliver a minimum five-minute portion of a certified curriculum, as referenced in section 2520 in which the student is seeking instructor certification before a peer group for critique.

(5) Certified curriculum for Hazardous Materials Emergency Response Instructor Certification for Trainers Course shall include the following evaluation method:

(A) Completion of a CSTI certified Haz Mat Emergency Response Instructor Certification for Trainers written exam with a minimum passing score of 70% correct.

(6) Certification for participants in the Hazardous Materials Emergency Response Instructor Certification For Trainers Course shall include all of the following:

(A) Successful completion of the certified course(s), as referenced in section 2520 in which the student is seeking instructor certification;

(B) Successful completion of the certified course as referenced in section 2520(i) as coordinated by a CSTI Haz Mat section faculty member; and,

(C) Meet a minimum attendance of 16 hours, accomplish all course objectives, complete the evaluation method at the 70% standard, and, participate in the instructional simulation as referenced in section 2520(i).

(j) Hazardous Materials Emergency Response – Instructor Recertification.

(1) Certified curriculum for Hazardous Materials Emergency Response Instructor Recertification Course shall include all of the following course objectives:

(A) Student shall be able to demonstrate an understanding of the background and objectives of the California Hazardous Substances Incident Response Training and Education Program as administered by the Office of Emergency Services, California Specialized Training Institute, as referenced in California Government Code section 8574.20.

(B) Student shall be able to understand the certified curriculum for the certified course(s), as referenced in section 2520 in which the student is seeking instructor recertification.

(C) Student shall demonstrate an awareness of the current Haz Mat audio-visual materials and reference materials available to support the certified course(s), as referenced in section 2520 in which the student is seeking instructor recertification.

(D) Student shall be able to demonstrate an understanding of the California Hazardous Substances Incident Response Training and Education Program requirements, minimum standards, and administrative policies and procedures for state certification as referenced in sections 2510–2560.

(E) Student shall be able to understand proper completion of administrative forms for requesting, delivering, documenting and certifying hazardous materials courses, as referenced in sections 2540–2550.

(2) Certified curriculum for Hazardous Materials Emergency Response Instructor Recertification Course shall include all of the current course material listed in Section 2540(t).

(3) Certified curriculum for Hazardous Materials Emergency Response Instructor Recertification Course shall be a minimum of 6 hours in length.

(4) Certified curriculum for Hazardous Materials Emergency Response Instructor Recertification Course shall include the following evaluation method:

(A) Completion of a CSTI certified Hazardous Materials Emergency Response Instructor Certification written exam with a minimum passing score of 70% correct.

(5) Certification for participants in the Hazardous Materials Emergency Response Instructor Recertification Course shall include all of the following:

(A) Successful completion of the certified course(s), as referenced in section 2520 in which the student is seeking instructor recertification;

(B) Successful completion of the certified course as referenced in section 2520(h) or (i) as coordinated by a CSTI Haz Mat section faculty member;

(C) Successful completion of the certified course as referenced in section 2520(j) by a CSTI Haz Mat section faculty member; and,

(D) Meet a minimum attendance of 6 hours, accomplish all course objectives, and complete the evaluation method at the 70% standard, as referenced in section 2520(j).

(k) Hazardous Materials Emergency Response – Technician/Specialist (1A): Basic Chemistry.

(1) Certified curriculum for Haz Mat Emergency Response Technician/Specialist (1A) Basic Chemistry shall include all of the following course objectives:

(A) The student shall identify the levels of haz mat response training required for certification. The student shall recognize chemical compounds in terms of general categories and classifications.

(B) The student shall define the terms “chemistry” and “matter,” identify the three states of matter, recognize the differences between pure substances and mixtures, and recognize physical and chemical properties.

(C) The student shall identify the three physical forms or states of matter, distinguish the differences between chemical and physical change, list the 6 different processes that result in a physical change in state, define “exothermic” and “endothermic,” and identify the role of catalysts and inhibitors.

(D) The student shall identify symbols, names of elements, and atomic numbers on a periodic table and determine the logical systematic order of elements.

(E) The student shall indicate the parts and regions of an atom, define the weight and charge of each atomic particle, name the four families and their outer shell electron configuration, explain the octet/duet rule and predict the type of ion formed by each family. The student shall identify the hazard of each family including reactivity and oxidation ability. The student shall also list the features of reducing agents and oxidizing agents.

(F) The student shall define bonding, recognize the different types of bonds, and determine the composition of an ionic or non-ionic compound.

(G) The student shall identify the six different types of salts and predict the hazards, recognize the general physical, chemical, health and environmental properties of salts.

(H) The student shall identify the different types of non-salts, and predict the hazards, recognize the general physical, chemical, health and environmental properties of non-salts.

(I) The student shall identify alkane, alkene, alkyne and aromatic hydrocarbons; identify the structures of hydrocarbons including isomers or aromatics.

(J) The student shall be able to identify the hydrocarbon radicals and derivatives, identify their structural formulas and list the hazards associated with each.

(K) The student shall explain the general toxicity of saturated and unsaturated hydrocarbons.

(L) The student shall define the physical parameters of vapor pressure, vapor content, vapor density, specific gravity, boiling point, flash point, polarity, and standard and normal temperature and pressure; and correctly identify the relative ranking of chemicals with respect to these physical parameters when compared to other chemicals.

(M) The student shall recognize those materials that are explosive, provide examples and define the terms “fuel,” “oxidizer,” “explosive” and “crystals” as they relate to explosives.

(N) The student shall identify the three states that gases are transported in and define the term “expansion ratio.”

(O) The student shall describe the method for fighting explosives fires; recognize explosives by their chemical formula, structure or characteristics; list initiators of explosives; and describe the DOT divisions of explosives. The student shall also list the four categories of explosives, giving

examples and characteristics of each; define and give examples of explosives; and list several common explosives.

(P) The student shall identify those elements or compounds that are likely to be solids and identify their potential to be combustible or pyrophoric.

(Q) The student shall identify those compounds that are most likely to be oxidizers or organic peroxides based upon their chemical composition.

(R) The student shall identify the common names and formulas associated with poisons.

(S) The student shall identify those compounds that are most likely to be radioactive based upon their chemical composition.

(T) The student shall define the term "corrosivity," describe the two main divisions of corrosives, list the physical states that corrosives are found in and identify some of the hazards of corrosive materials.

(U) The student shall define the concepts: fire, oxidation, the fire tetrahedron, heat transfer, ignition temperature, flammable limits, and standard temperature and pressure. The student shall also be able to explain the difference between slow and fast oxidation, the effects of oxygen on the combustion process, and the factors to consider when assessing an incident for the potential of fire.

(V) The student shall list the three products of combustion, the three factors that determine heat content, and the three factors that determine vapor quantity. Additionally, the student shall describe the effect of flame on combustion, and explain the differences between the products of complete and incomplete combustion. The student shall define "backdraft" and "flashover," and explain the conditions that lead to those events. The students shall list at least 3 of the products of incomplete combustion that are considered toxic.

(W) The student shall identify at least 3 of the multiple hazards associated with gases, describe the common characteristics of gases and shall explain how gases are detected or measured. The student shall predict the behavior of gases using the concepts of the gas laws and critical temperature and pressure. The student shall describe the 3 conditions of gas storage and list the hazards associated with each.

(X) The student shall list the multiple hazards of flammable liquids and describe the following physical properties: vapor pressure, flash point, ignition temperature, flammable range, explosive limits, specific gravity, vapor density, boiling point, and the definitions of flammable and combustible liquids. The student shall also predict the probable location of flammable atmospheres from low and high vapor pressure liquids. The student shall list the three special conditions (boil-over, slop-over and froth-over) associated with burning flammable liquids; the effects of oxidizers on flammable liquids; how solubility is determined; and the effect of molecular weight on vapor pressure, boiling point, flash point, ignition temperature and heat output.

(Y) The student shall identify the process of oxidation; list several electronegative elements; describe spontaneous combustion, pyrolysis, surface burning and hypergolic combustion; and list the three types of ignition: pilot, auto, and spontaneous. The student shall also list three elements that burn and their allotropes, and describe the flammable solids cellulose nitrate and naphthalene. The student shall list several flammable and combustible metals and their hazards.

(Z) The student shall describe the processes of oxidation and reduction, describe and provide examples of halogen gases, oxy-salts, oxy-acids, metal peroxide salts, inorganic peroxides and oxygen. Additionally, the student shall identify the peroxide functional group in organic oxidizers. Students shall also list some common uses of organic peroxides, identify them by name or formula, list the hazards and classification of organic peroxides, define maximum safe storage temperature and self-accelerating decomposition temperature and list the general hazards of organic peroxides.

(AA) The student shall describe (ionizing and non-ionizing) radiation, identify those elements that are naturally radioactive, describe each of the three types of ionizing radiation (gamma, beta and alpha) and the three types of protective measures. The student shall define the terms

roentgen, RAD, REM, mREM, sieverts, becquerels, curie and half-life. The student shall be able to list the various sources of background radiation and a typical annual exposure. The student shall also identify the one time emergency response exposure, the effect of free radicals, the difference between internal and external contamination and contamination vs. exposure.

(BB) The student shall describe the difference between the strength and concentration of corrosives, including how these are measured and how they pertain to the risk posed by that corrosive. The student shall describe the reaction that occurs between acids and bases and other materials. Also, the student shall describe the processes of absorption, dilution and neutralization, including the advantages and disadvantages of each of these methods when used for mitigating corrosives spills.

(CC) The student shall describe the importance of chemical compatibility to responders, recognize the 4 types of chemical reactions (combination, decomposition, single replacement and double replacement), list the rules of solubility and use an incompatibility chart to determine the potential reaction(s) between two materials.

(2) Certified curriculum for Hazardous Materials Emergency Response Technician/Specialist (1A) Basic Chemistry shall include all of the current course material listed in Section 2540(t). Each course manager shall provide and display for the duration of the class, at least one wall-mounted "Periodic Table of The Elements" that is at least four feet by eight feet in size and visible from any part of the classroom. The course manager shall provide each student with a copy of the current version of the Department of Transportation Emergency Response Guidebook and the Department of Transportation Hazardous Materials Marking, Labeling and Placarding Guide (DOT Chart).

(3) Certified curriculum for the Haz Mat Emergency Response Technician/Specialist (1A) Basic Chemistry Course shall be a minimum of 40 hours in length.

(4) Certified curriculum for the Haz Mat Emergency Response Technician/Specialist (1A) Basic Chemistry Course shall include the following evaluation method:

(A) Completion of the CSTI certified Hazardous Materials Emergency Response Technician/Specialist (1A) Basic Chemistry Course shall be by written examination with a minimum passing score of 70% correct, as referenced in section 2540(e). The student shall attend 40 hours of training as defined by section 2540(j)(4).

(5) Certification for participants in the Haz Mat Emergency Response Technician/Specialist (1A) Basic Chemistry Course shall include successful completion of the certified course as referenced in 2520(k), delivered by a CSTI certified instructor as referenced in 2530. The student shall meet a minimum attendance of 40 hours, accomplish all objectives, participate in the training exercises and complete the evaluation method at the 70% standard as referenced in Section 2540.

(I) Hazardous Materials Emergency Response — Technician/Specialist (1B): Applied Chemistry.

(1) Certified curriculum for Haz Mat Emergency Response Technician/Specialist (1B) Applied Chemistry shall include all of the following course objectives:

(A) The student shall describe the process of detecting contaminants in air, list the major components of a normal atmosphere, and list the types of contaminants which make an atmosphere hazardous. The student shall list the OSHA requirements for entry into a confined space, describe the process of finding unknown gases based on vapor density and interpreting results. Also, the student shall list the four uses of monitoring and the types of instruments available, including the capabilities of each. The student shall utilize a monitoring strategy to analyze unknown atmospheres including an analysis of site specific conditions.

(B) The student shall describe the principles of operation of Radiation Monitoring devices and demonstrate their use with sample sources of radioactive material.

(C) The student shall define what Combustible Gas Indicators (CGI's) are designed to detect, describe how they operate, demonstrate how to prepare the CGI for use and how to monitor an unknown atmosphere, de-

scribe how to interpret the results, and list some of the limitations associated with CGI's.

(D) The student shall define what Photoionization Detectors (PID's) are designed to detect, describe how they operate, demonstrate how to prepare the PID for use and how to monitor an unknown atmosphere, describe how to interpret the results, and list some of the limitations associated with PID's.

(E) The student shall identify what colorimetric tubes, electrochemical sensors, flame ionization detectors and infrared spectroscopy are designed to detect; describe how these various devices work; and identify some of the use considerations and limitations associated with these devices.

(F) Given at least five unknown substances, two of which are solid, and three liquids, the student shall be able to identify or classify by hazard each of the unknown substances using the "Five-Step Field Identification Method of Chemicals", "HazCat Chemical Identification System" or another CSTI-approved method.

(G) The student shall identify safe and unsafe behaviors as they pertain to chemical handling.

(H) The student shall identify the principles and tests used in field identification kits to determine the hazards or identity of unknown chemicals.

(I) The student shall identify the types of hazard and response information available from reference manuals, hazardous materials data bases, technical information centers (i.e. CHEMTREC) and technical information specialists. The student shall explain the advantages and disadvantages of each resource. The student shall also utilize various reference sources to identify hazard and response information about various hazardous materials.

(J) The student shall describe the duties of the Technical Specialist Hazardous Materials Reference within the Incident Command System at a hazardous materials incident.

(2) Certified curriculum for Haz Mat Emergency Response Technician/Specialist (1B) Applied Chemistry shall include all of the current course material listed in Section 2540(t).

(3) Certified curriculum for the Haz Mat Emergency Response Technician/Specialist (1B) Applied Chemistry Course shall be a minimum of 40 hours in length.

(4) Certified curriculum for the Haz Mat Emergency Response Technician/Specialist (1B) Applied Chemistry Course shall include the following training exercises:

(A) Participation in a "Field Identification of Unknown Solid and Liquid Chemical" exercise including successful completion of the following objectives: Using the "Five-Step Field Identification Method of Chemicals", "HazCat Chemical Identification System" or another CSTI approved method, and given five unknown substances (two being solid and three being liquid) the student shall complete a hazardous data worksheet to include:

- (i) Classification of the substances by chemical or physical hazards;
- (ii) Determination of the proper hazard/risk potential;

(B) Participation in an Atmospheric Monitoring Exercise including successful completion of the following objectives, given five unknown atmospheres:

- (i) Use a Combustible Gas Indicator to monitor for combustible atmospheres.
- (ii) Use a Photoionization Detector (PID) to monitor for volatile organic compounds.
- (iii) Use a Colorimetric Tube to monitor for corrosive or combustible atmospheres.
- (iv) Use a Radiation meter to monitor for radioactive materials.

(5) Certified curriculum for the Haz Mat Emergency Response Technician/Specialist (1B) Applied Chemistry Course shall include the following evaluation method:

(A) Completion of all of the CSTI certified Hazardous Materials Technician/Specialist (B) Applied Chemistry Course written exam with a minimum passing score of 70% correct as referenced in section 2530.

(B) Student to Instructor/Equipment/etc. Ratios are used in section (6) below to assure students receive an adequate level of experiential learning. See Section 2540(d)(5)(A), (B) and (i) for information on break-outs and sectional training.

(6) The following materials/training aids/equipment are required for teaching the Haz Mat Emergency Response Technician/Specialist (1B) Applied Chemistry Course:

(A)(i) Test kits for field identification of unknown chemicals (one kit for every three students);

(ii) Solid and liquid chemical samples for field identification (these should consist of, at a minimum, various flammable and combustible liquids, acids, caustics, sulfides, oxidizers, and chlorinated hydrocarbons);

(iii) Safety equipment (including, but not limited to: splash protection, eye protection, head protection, feet protection) for use by all students during the field identification exercise.

(iv) Combustible Gas Indicators (CGI), Photoionization Detectors (PID), colorimetric tubes and radiation meters in sufficient quantity to allow each student to demonstrate the use of the detectors for hazardous atmospheres. As a minimum, a ratio of one instrument (of each type) per two students is required.

(B) Printed reference material including, but not limited to (one copy per 6 students):

- (i) Condensed Chemical Dictionary (Hawley's);
- (ii) Quick Selection Guide to Chemical Protective Clothing (Forsberg/Mansdorf)
- (iii) Handbook of Reactive Chemical Hazards (L. Bretherick) – or Rapid Guide to chemical Incompatibilities (Pohanish/Green);
- (iv) CHRIS Manual (U.S. Coast Guard — Printed or electronic);
- (v) American Association of Railroads; Emergency Action Guides
- (vi) Emergency Care for Hazardous Materials Exposure (Currence);
- (vii) Crop Protection Handbook (Meister);
- (viii) Pocket Guide to Chemical Hazards (NIOSH);
- (ix) Emergency Response Guide book (DOT)

(C) Electronic reference material including, but not limited to (one computer per 3 students):

- (i) CAMEO/ALOHA/MARPLOT
- (ii) Chemical Reactivity Worksheet
- (iii) WISER

(7) Certification for participants in the Hazardous Materials Emergency Response Technician/Specialist (1B) Applied Chemistry Course shall include successful completion of the certified course as referenced in Section 2520(l), delivered by a CSTI certified instructor as referenced in Section 2530. The student shall meet a minimum attendance of 40 hours of training, accomplish all objectives, participate in the training exercises and complete the evaluation method at the 70% standard as referenced in Section 2540.

(m) Hazardous Materials Emergency Response — Technician/Specialist (1C): Incident Considerations.

(1) Certified curriculum for Haz Mat Emergency Response Technician/Specialist (1C) Incident Considerations shall include all of the following course objectives:

(A) The student shall define toxicology, list 2 subdivisions of toxicology, and identify dose as a key concept in toxicology. The student shall also compare risk and hazard, and identify the difference between the two.

(B) The student shall identify how various meteorological factors may influence a hazardous materials incident.

(C) The student shall recognize general protective action concepts associated with hazardous materials response, with specific emphasis on evacuation and shelter-in-place options.

(D) The student shall identify the factors to be considered in selecting proper respiratory protection. Students shall describe the advantages, limitations, proper use and operational components of air purifying respirators at a hazardous materials incident.

(E) The student shall identify the three types of vapor-protective, splash-protective and support-function clothing and describe the advan-

tages and disadvantages of each. The student shall identify the four levels of chemical protection (EPA/NIOSH) and match both the equipment required for each level and the conditions under which each level is used. The student shall explain the significance of degradation, penetration and permeation as they relate to suit selection.

(F) The student shall identify the factors to be considered and the process involved in selecting the proper chemical protective clothing, at least three indications of material degradation of chemical protective clothing, and the relative advantages and disadvantages of various cooling methods/devices.

(G) The student shall recognize basic ICS concepts as they apply to hazardous materials incidents, the general organization of the Incident Command System and some of the standard ICS forms.

(H) The student shall describe the duties of a member of the Command Staff within the Incident Command System at a hazardous materials incident.

(I) The student shall describe the duties of the Haz Mat Group Supervisor within the Incident Command System at a hazardous materials incident.

(J) The student shall list the seven basic types of toxins and describe the characteristics and behavior of each. The student shall also describe the two major determinants that affect toxicity, list the three routes of entry and describe their characteristics, and list and describe the three means the body has for dealing with toxins. The student shall describe the concept of dose-response relationships, list the factors that affect dose response values and define the terms "lethal dose (LD)", "lethal concentration (LC)", "no observed effect level (NOEL)", "threshold limit value (TLV)", "permissible exposure limit (PEL)", "short term exposure limit (STEL)", "immediately dangerous to life and health (IDLH)", "maximum allowable concentration (MAC)", "level of concern (LOC)" and emergency response planning guide (ERPG).

(K) The student shall recognize the importance of establishing control zones and identify the three control zones to be established at a hazardous materials incident.

(L) The student shall describe the duties of the Site Access Control Leader within the Incident Command System at a hazardous materials incident.

(M) The student shall describe the duties of the Entry Team Leader within the Incident Command System at a hazardous materials incident.

(N) The student shall describe the duties of the Decontamination Team Leader within the Incident Command System at a hazardous materials incident.

(O) The student shall list some physical and chemical ways in which chemicals can cause harm. Also, the student shall describe the cell as the focal point of the biochemistry of toxins and how some organs are targets to toxins, describe the field of environmental toxicology and demonstrate the awareness of the irreversibility of some environmental spills. The student shall also be able to list and describe the concepts of ozone layer depletion, bioaccumulation, biomagnification, biological oxygen demand, and chemical oxygen demand. Lastly, the student shall describe and provide examples of organophosphate and carbamate pesticides, and describe the biochemical mechanism, including the antidote, for organophosphate poisoning.

(P) The student shall identify various environmental, mechanical, physiologic and psychological stresses that personnel working in chemical protective clothing are subjected to.

(Q) The student shall describe the duties of the Safe Refuge Area Manager within the Incident Command System at a hazardous materials incident.

(R) Student shall identify the mechanisms by which heat builds up in workers operating in chemical protective clothing, and the appropriate measures to take for someone experiencing a heat related illness.

(S) Student shall identify procedures by which hazardous materials response personnel shall be medically evaluated at incidents.

(T) The student shall identify guidelines for dealing with injured or trapped persons at a hazardous materials incident.

(U) The student shall identify some of the problems and resources which must be evaluated in order to triage hazardous materials incidents.

(V) The student shall identify the various decontamination methods, the types of decontamination, factors that can affect the decon process and resources needed to set up a Contamination Reduction Corridor. The student shall also identify general guidelines for Emergency Decon, including sources for selecting appropriate decon procedures and solutions.

(W) The student shall describe the procedures for donning and doffing Self-Contained Breathing Apparatus, and describe how to properly respond to emergencies with the Self-Contained Breathing Apparatus.

(X) The student shall describe the procedures for donning and doffing Level "A" Chemical protective clothing.

(Y) Reserved for future use.

(Z) The student shall identify some of the chemicals used in illegal drug manufacturing operations and the hazards associated with drug labs. The students shall also identify several warning signs indicating the presence of a drug lab, as well as appropriate safety and tactical considerations to take at an incident scene.

(AA) The student shall demonstrate the use of grounding and bonding equipment for product transfer.

(BB) The student shall demonstrate the use of plugging and patching equipment for drums.

(CC) The student shall demonstrate the use of transfer pumps for product transfer between drums.

(DD) The student shall demonstrate the safe use of a drum hand truck.

(EE) The student shall identify some of the key components of a hazardous materials area plan.

(FF) The student shall demonstrate the safe use of a drum up-ender (manual drum lifter).

(GG) The student shall define evidence; explain the importance of chain of custody, search warrants and proper documentation; and identify important guidelines regarding the collection of specific types of evidence.

(HH) The student shall demonstrate overpacking of a 55 gallon drum by the "V-Roll" and "End Over" Techniques.

(II) The student shall demonstrate the use of plugging and patching equipment for repairing leaks on piping systems.

(JJ) The student shall demonstrate the use of plugging and patching equipment for horizontal and vertical storage tanks.

(KK) The student shall demonstrate the safe use of chemical sampling equipment for solids and liquids.

(LL) The student shall demonstrate the safe use of absorbent materials for containing a liquid spill.

(MM) The student shall demonstrate the collection of evidence at a hazardous materials incident, including the use of chain of custody forms, evidence seals, scene mapping and photography.

(NN) The student shall demonstrate the safe application of a "Chlorine Institute A Kit".

(OO) The student shall demonstrate the safe application of a "Chlorine Institute B Kit".

(2) Certified curriculum for Haz Mat Emergency Response Technician/Specialist (1C) Incident Considerations shall include all of the current course material listed in Section 2540(t).

(3) Certified curriculum for the Hazardous Materials Emergency Response Technician/Specialist (1C) Incident Considerations Course shall be 40 hours in length. Student(s) shall attend 40 hours of training as defined by Title 19 § 2540(j)(4).

(4) Certified curriculum for Haz Mat Technician/Specialist (1C) Incident Considerations Course shall include the following training exercises:

(A) The student shall don Level "A" chemical protective clothing and perform simulated hazardous materials mitigation skills in an "obstacle course" (an activity requiring them to complete exercises involving the performance of manipulative tasks commonly carried out in a response

to a hazardous materials incident). The student shall complete the course or proceed through the course within the limits of one full SCBA tank.

(B) Participation in a Solid and Liquid Sampling Exercise including successful completion of the following objectives:

(i) Identify and use the appropriate tools and equipment required for taking a sample of a solid hazardous material.

(ii) Identify and use the appropriate tools and equipment required for taking a sample of a liquid hazardous material.

(C) Participation in a Weather and Plume Prediction Exercise including successful completion of the following objectives:

(i) Use a Belt Weather Kit (or other portable weather station kit) to evaluate current weather conditions.

(ii) Using a desktop or laptop computer air dispersion prediction program and given a chemical do a plume prediction based on current weather.

(D) Participation in a Plugging, Patching and Overpacking Exercise including successful completion of the following objectives:

(i) Demonstrate patching various size leaks in a fifty-five gallon drum.

(ii) Demonstrate overpacking a fifty-five gallon drum.

(iii) Demonstrate the proper use of a Chlorine "A" kit.

(iv) Demonstrate proper use of a Chlorine "B" kit.

(v) Demonstrate controlling various leaks in a pipe prop.

(vi) Demonstrate proper use of a pneumatic tank bandage to control a leak in an above-ground tank.

(E) Participate in an Atmospheric Monitoring Exercise including successful completion of the following objectives:

(5) Certified curriculum for the Haz Mat Emergency Response Technician/Specialist (1C) Incident Consideration Course shall include the following evaluation methods:

(A) Completion of the Haz Mat Emergency Response Tech/Specialist (1C) Incident Considerations Course Reference Material Worksheet with a minimum passing score of 70% correct; and,

(B) Completion of the CSTI certified Haz Mat Emergency Response Tech/Spec (1C) Incident Considerations Course Final Exam with a minimum passing score of 70% correct.

(C) Student to Instructor/Equipment/etc. Ratios are used in section (6) below to assure students receive an adequate level of experiential learning. See Section 2540(d)(5)(B) for information on break-outs and sectional training.

(6) The following materials/training aids/equipment are required for teaching the Haz Mat Technician/Specialist (1C) Incident Considerations Course:

(A) Student Text Books (one per student)—

(i) "Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities," (85-115) by NIOSH, OSHA, USCG, and EPA;

(B) Reference Materials (one per every six students)

(i) Chemical Dictionary (Hawley's);

(ii) Quick Selection Guide to Chemical Protective Clothing (Forsberg/Mansdorf);

(iii) Handbook of Reactive Chemical Hazards (L. Bretherick) — or Rapid Guide to Chemical Incompatibilities (Pohanish/Green);

(iv) CHRIS Manual (U.S. Coast Guard);

(v) American Association of Railroads; Emergency Action Guides

(vi) Emergency Care for Hazardous Materials Exposure (Currence);

(vii) Farm Chemical Handbook (Meister);

(viii) Pocket Guide to Chemical Hazards (NIOSH);

(ix) Emergency Response Guide Book (DOT)

(x) Computer loaded with the following:

(a) Cameo

(b) Chem Knowledge

(c) Chemical Reactivity worksheet

(C) Drums that have been designed with leaks of the following types:

(i) One Side Void (eg. fork lift or nail puncture);

(ii) One Bottom Failure (bottom of drum cut free so that drum fails if moved);

(iii) One Bung Leak (damaged threads); and

(iv) One Chine Leak (1/16 holes or saw cut).

(D) Drums for sampling:

(i) One 1A1 with threaded bung, 55 gal.;

(ii) One 1A2 with removable top, 55 gal.; and

(iii) One non-operable (weld or braze bungs closed).

(E) Overpack:

(i) One DOT 49 CFR 173.3 Salvage Drum, 85 gal.;

(ii) One DOT 49 CFR 173.3 Salvage Drum, 8 gal.; and

(iii) One DOT 49 CFR 173.3 Salvage Drum, polyethylene.

(F) One 100–150 lb. Chlorine Container designed for vapor leak from the valve area.

(G) One 1–Ton Chlorine Container designed for liquid and vapor leaks from valve and fusible plug. Container shall be designed to allow instructor to change leak from a liquid to a vapor when students roll the container.

(H) One Fixed Bulk Storage Tank (minimum of 200 gallon capacity) with leaks of a type to facilitate the application of a tank bandage.

(I) One Piping System designed to leak liquid or vapor on 2–12-inch or larger pipes including the following:

(i) Valve, Flange, Weld, and Thread Failures;

(ii) Cracked Pipe; and,

(iii) Sheared Pipe.

(J) Drum-related:

(i) Plug and Dike.

(ii) Bung Wrench.

(iii) Foam Wedges.

(iv) Dye.

(v) Epoxy Putty.

(vi) Grounding and Bonding.

(vii) New Bungs.

(viii) Speed Wrench and Socket.

(ix) Drum Repair Kit.

(x) Drum Hand Truck.

(xi) Transfer Pump.

(xii) Redwood Plugs.

(xiii) Drum Lifter.

(K) Chlorine-related:

(i) A Kit.

(ii) B Kit.

(iii) Ammonia Atomizer Bottle.

(L) Piping Leaks-related:

(i) Pneumatic Patching Equipment.

(ii) Patching Kits.

(iii) Flange Gaskets.

(iv) Bolts and Nuts.

(v) Hand Tools.

(M) Railroad Tankcar-related:

(i) Pneumatic Tank Patching Equipment.

(ii) Ladders (Fire Service Type), Minimum 14 feet.

(N) Chemical Protective Clothing (one each for demonstration)—

(i) Level A;

(ii) Flash Protection Over Suit;

(iii) Cryogenic Over Suit;

(iv) Level B;

(v) Level C;

(vi) Chemical Resistant Boots;

(vii) Chemical Resistant Gloves;

(viii) Eye Protection (Goggles and Safety Glasses); and

(ix) Hearing Protection.

(x) Respiratory Protection Demonstration Set

(a) Full Face APR

(b) PAPR (Powered APR)

(c) Half Face APR

(d) One set of cartridges (or canisters) for each of the above — each set must be a different type with at least one ESL and one HEPA.

(e) SCBA

(O) Sampling-related:

(i) Colwasa Tube.

(ii) Scoops.

(iii) Pipettes.

(iv) Soil Sample Auger.

(v) Plastic ZipLoc-type Bags.

(vi) Drum Thieves

(vii) Spoons.

(viii) Bottles with Seals and Labels.

(ix) 1-gallon Paint Cans for Overpack.

(P) Monitoring-related: (One monitor of each type for each 2 students plus one full set for the instructor)

(i) CGI.

(ii) Oxygen Meter.

(iii) Photoionization Detector.

(iv) Dosimeters.

(v) Radiation Meters. Mr/hr and R/hr.

(vi) Colormetric Tubes.

(vii) Test Papers.

(viii) Belt Weather Kit or Mini-Weather Station (One for each 3 students)

(Q) Current ICS Forms:

(i) Form 201 Incident Briefing,

(ii) Form 202 Incident Objectives,

(iii) Form 206 — Medical Plan

(iv) Form 208 HM Site Safety Plan, Revised 3/98

(v) Form 214 Unit Log.

(R) Safety Equipment

(i) First Aid Kit (EMT-1 type).

(ii) Emergency Telephone or Radio (to summon paramedic).

(iii) Covered Observation Area with sufficient capacity to seat entire class and able to provide protection from the rain and sun.

(iv) Flashlights (one per two students).

(v) Emergency Night Lighting sufficient to illuminate entire exercise area.

(7) Certification for participants in the Haz Mat Emergency Response Technician/Specialist (C) Incident Considerations Course shall include successful completion of the certified course as referenced in 2520(m), delivered by a CSTI certified instructor as referenced in 2530. Student shall attend 40 hours of training as defined by Title 19 § 2540(j)(4), accomplish all objectives, participate in the training exercises and complete the evaluation method at the 70% standard as referenced in section 2520(m).

(n) Hazardous Materials Emergency Response—Technician/Specialist (1D): Tactical Field Operations.

(1) Certified curriculum for Haz Mat Emergency Response—Tech/Spec (1D): Tactical Field Operations shall include all of the following course objectives:

(A) The student shall describe the components of a site safety plan for a hazardous materials incident and identify key points that should be made in a safety briefing prior to working on the scene.

(B) The student shall describe the duties of the Assistant Safety Officer — Haz Mat within the Incident Command System at a hazardous materials incident.

(C) The student shall identify various non-bulk and intermediate bulk packaging, the types of materials they contain, basic design and construction features, and some of the marking requirements for the various packages.

(D) The student shall identify the following regarding intermodal tank containers: tank construction features, tank markings, general classes of tanks, tank fittings and how to handle hazardous materials in tank containers.

(E) The student shall describe the type of carrier and material most commonly involved in highway hazardous materials incidents.

(F) The student shall identify operational situations which may exceed the capabilities of responders training, equipment or technical feasibility.

(G) The student shall identify some of the ways in which chemicals could be used for terrorism.

(H) The student shall identify the types of shipping papers that may be found on rail cars, as well as the types of information they contain.

(I) The student shall identify some of the general types of transport vehicles used in rail transportation.

(J) The student shall identify various tank cars by type, capacity and contents they typically transport. The student shall also identify various tank markings and construction features.

(K) The student shall identify various tank car fittings that may be found on the different types of tank cars.

(L) The student shall identify how a liquid pipeline may carry different products, the types of information which may be found on a pipeline marker, basic guidelines to follow for mitigating pipeline incidents.

(M) The student shall identify various offensive control options that may be utilized at a hazardous materials incident including repositioning leaking drums, overpacking, using absorbents, plugging, patching and catching. The student shall describe the purpose of, procedures for, equipment required and safety precautions appropriate for each method. The student shall also identify guidelines for taking samples of a hazardous material.

(N) The student shall identify basic design and construction features of storage tanks found at fixed facilities, the types of materials they may contain, and the types of damage that they could incur. The student shall identify some of the fire and safety protection systems that may be required at a fixed facility or bulk storage facility, and how these systems impact the behavior of the products during an incident. The student shall also identify some guidelines for managing a hazardous materials incident at a fixed facility.

(O) The student shall identify the types of vessels that may be involved in maritime incidents and some of the hazards associated with them, as well as the types of shipping papers that will be carried on these vessels and some of the information they contain. The student shall identify who the responsible authority will be and some basic guidelines to follow in the event of a maritime incident.

(P) The student shall identify some of the metals used in aircraft construction, and the advantages and disadvantages of each, as well as the fuels and fluids generally found aboard aircraft and their associated hazards. The student shall identify regulations pertaining to air transport of hazardous materials, and the types of shipping papers required and some of the information they contain. The student shall also identify some basic airport safety considerations

(Q) The student shall demonstrate the use of emergency hand signals.

(R) The student shall recognize the significant federal and state laws and regulations pertaining to hazardous materials and hazardous waste, as well as some of the key provisions of each. The student shall recognize potential areas of liability in dealing with hazardous materials incidents, as well as guidelines that can be implemented both before and during an incident to minimize liability for response personnel.

(S) The student shall demonstrate the use of plugging and patching equipment for drums.

(T) The student shall demonstrate the use of plugging and patching equipment for repairing leaks on piping systems.

(U) The student shall demonstrate the use of plugging and patching equipment for horizontal and vertical storage tanks.

(V) The student shall demonstrate the safe application of a "Chlorine Institute A Kit".

(W) The student shall demonstrate the safe application of a "Chlorine Institute B Kit".

(X) The student shall demonstrate the ability to perform the following functions at a simulated hazardous materials incident:

(i) Analyze the simulated hazardous materials incident to determine the problem and predict the outcome.

(ii) Identify and perform the appropriate ICS positions required to manage the simulated incident.

(iii) Utilize appropriate technical references to determine product identification and hazards, chemical protective clothing required, and appropriate tactical operations and decon procedures.

(iv) Select and use proper chemical protective clothing and equipment.

(v) Develop and utilize a site safety plan.

(vi) Develop and utilize an Incident Action Plan.

(vii) Identify and perform appropriate decontamination procedures.

(viii) Identify and use the appropriate tools and equipment necessary to mitigate the simulated problem.

(ix) Identify and use the selected method for field identification of the released hazardous material.

(x) Identify and use accepted Standard Operating Procedures for hazardous materials incidents.

(Y) The student shall participate in an Incident Debriefing and a Post Incident Analysis.

(Z) The student shall identify components of the three phases of an effective incident termination: debriefing, post-incident analysis and critique

(2) Certified curriculum for Haz Mat Emergency Response—Tech/Spec (1D): Tactical Field Operations shall include all of the current course material listed in Section 2540(t).

(3) Certified curriculum for the Haz Mat Emergency Response: Tech/Spec (1D): Tactical Field Operations Course shall be 40 hours of training as defined by Title 19 § 2540(j)(4).

(4)(A) Participation in a Plugging, Patching and Overpacking Exercise including successful completion of the following objectives:

(i) Demonstrate patching various size leaks in a fifty-five gallon drum.

(ii) Demonstrate overpacking a fifty-five gallon drum.

(iii) Demonstrate the proper use of a Chlorine "A" kit.

(iv) Demonstrate proper use of a Chlorine "B" kit.

(v) Demonstrate controlling various leaks in a pipe prop.

(vi) Demonstrate proper use of a pneumatic tank bandage to control a leak in an above-ground tank.

(B) Participation in an Evaluation Scenario including successful completion of the following objectives:

(i) Analyze the simulated hazardous materials incident to determine the problem and predict the outcome.

(ii) Identify and perform the appropriate positions within the Incident Command System required to manage the simulated incident.

(iii) Identify and utilize the technical references used for providing information for product identification, chemical protective clothing selection, tactical operations and decontamination procedures.

(iv) Select and use proper Chemical Protective Clothing and equipment.

(v) Develop and utilize a Site Safety Plan.

(vi) Develop and utilize an Incident Action Plan.

(vii) Identify and perform appropriate decontamination procedures.

(viii) Identify and use the appropriate tools and equipment necessary to mitigate the simulated problem.

(ix) Identify and use the selected method for field identification of the simulated released hazardous material.

(xi) Participate in a post-scenario analysis.

(5) Certified curriculum for the Haz Mat Emergency Response: Tech/Spec (1D): Tactical Field Operations Course shall include the following evaluation method:

(A) Completion of the CSTI certified Haz Mat Emergency Response: Tech/Spec (1D): Tactical Field Operations Final Exam with a minimum passing score of 70% correct.

(B) Student to Instructor/Equipment/etc. Ratios are used in section (6) below to assure students receive an adequate level of experiential learning. See Section 2540(d)(5)(B) for information on break-outs and sectional training.

(6) The following materials/training aids/equipment are required for teaching the Haz Mat Emergency Response: Tech/Spec (1D) Hazard and Risk Assessment Course:

(A) Drums that have been designed with leaks of the following types:

(i) One Side Void (e.g. fork lift or nail puncture);

(ii) One Bung Leak (damaged threads); and,

(iii) One Chine Leak (1/16 holes or saw cut).

(B) Drums for sampling:

(i) One 1A1 with threaded bung, 55 gal.;

(ii) One 1A2 with removable top, 55 gal.; and,

(C) Overpack:

(i) One DOT 49 CFR 173.3 Salvage Drum, 85 gal.;

(ii) One DOT 49 CFR 173.3 Salvage Drum, polyethylene.

(D) One 100–150 lb. Chlorine Container designed for vapor leak from the valve area.

(E) One 1 Ton Chlorine Container designed for liquid and vapor leaks from valve and fusible plug. Container shall be designed to allow instructor to change leak from a liquid to a vapor when students roll the container.

(F) One Fixed Bulk Storage Tank (minimum of 200 gallon capacity) with leaks of a type to facilitate the application of a tank bandage.

(G) Ladders (Fire Service Type) minimum 14 feet.

(H) One Piping System designed to leak liquid or vapor on 2.5 inch or larger pipes including the following:

(i) Valve, Flange, Weld, and Thread Failures;

(ii) Cracked Pipe; and

(iii) Sheared Pipe.

(I) Drum-related:

(i) Plug and Dike;

(ii) Bung Wrench;

(iii) Foam Wedges;

(iv) Epoxy Putty;

(v) Grounding and Bonding;

(vi) New Bungs;

(vii) Speed Wrench and Socket;

(viii) Drum Repair Kit;

(ix) Drum Hand Truck;

(x) Redwood Plugs; and,

(xi) Drum Lifter.

(J) Chlorine-related:

(i) A Kit; and,

(ii) B Kit.

(K) Fixed Storage Tank-related:

(i) Patching Kits;

(ii) Pneumatic Patching Equipment; and,

(iii) 5-Minute Marine Epoxy.

(L) Piping Leaks-related:

(i) Pneumatic Patching Equipment;

(ii) Patching Kits;

(iii) Flange Gaskets;

(iv) Bolts and Nuts; and,

(v) Hand Tools.

(vi) Pneumatic Tank Patching Equipment (Railroad Tankcar — Related).

(M) Storm Drain-related:

(i) Shovels;

(ii) Sheet Plastic;

(iii) Wheelbarrows;

(iv) Sand;

(v) Over/Underflow Pipes (3–8 inches diameter); and,

(vi) Pneumatic Plugs.

(N) Absorbents (polar and non polar type):

(i) Pads;

(ii) Booms;

(iii) Pillows; and,

(iv) Granular.

- (P) Monitoring—related:
 - (i) CGI;
 - (ii) Oxygen Meter;
 - (iii) Photoionization Detector;
 - (iv) Dosimeters;
 - (v) Radiation Meters, Mr/hr and R/hr;
 - (vi) Colormetric Tubes;
 - (vii) Field Chemical ID Kit; and,
 - (viii) Test Papers.
- (ix) One Belt Weather Kit (or Mini-Weather Station)
- (Q) Decontamination—related:
 - (i) Four Containment Pools;
 - (ii) Four Water Wands;
 - (iii) Two Hudson Type Garden Sprayers;
 - (iv) Wash Tubs;
 - (v) Trash Bags (55 gallon-type);
 - (vi) Four Garden Hoses or Equivalent;
 - (vii) Tarps;
 - (viii) Brush Assortment;
 - (ix) Sponges; and,
 - (x) Towels.
- (xi) Four Astro-Terf Type Dormats (or similar for pool bottoms).
- (R) Other:
 - (i) Windsock;
 - (ii) 20 Traffic Cones;
 - (iii) Barrier Tape;
 - (iv) Bull Horn; and
 - (v) Incident Command Vests:
 - a. Haz Mat Group Supervisor;
 - b. Assistant Safety Officer;
 - c. Entry Team Leader;
 - d. Decon Team Leader;
 - e. Technical Reference Leader; and,
 - f. Site Access Leader.
 - (vi) Computer, loaded with CAMEO, WISER and Reactivity Worksheet (Ratio 1 computer for each 3 students)
- (S) Reference Materials:
 - (i) Chemical Dictionary (Hawley's);
 - (ii) Quick Selection Guide to Chemical Protective Clothing (Forsberg/Mansdorf);
 - (iii) Handbook Of Reactive Chemical Hazards (L. Bretherick) — or Rapid Guide to chemical Incompatibilities (Pohanish/Green);
 - (iv) CHRIS Manual (U.S. Coast Guard — Printed or electronic);
 - (v) American Association of Railroads; Emergency Action Guides;
 - (vi) Emergency Care for Hazardous Materials Exposure (Currence);
 - (vii) Crop Protection Handbook (Meister);
 - (viii) Pocket Guide to Chemical Hazards (NIOSH);
 - (ix) Emergency Response Guide Book (DOT).
- (T) Protective clothing:
 - (i) Level A Suits (One Suit for each student. Suit must provide total encapsulation.);
 - (ii) Level B Suits (one per student);
 - (iii) Chemical Resistant Boots (one pair per student);
 - (iv) Chemical Resistant Gloves (one pair per student);
 - (v) Self-Contained Breathing Apparatus Mask (one per student);
 - (vi) Self-Contained Breathing Apparatus (one per every two students);
- (U) Current ICS Forms:
 - (i) ICS Form 201 — Incident Briefing;
 - (ii) ICS Form 202 — Incident Objectives;
 - (iii) ICS Form 206 — Medical Plan
 - (iv) ICS Form 208 HM Site Safety Plan Revised 3/98;
 - (v) ICS Form 214 — Unit Log;
- (V) Safety Equipment
 - (i) First Aid Kit (EMT-1 type).
 - (ii) Emergency Telephone or Radio (to summon paramedic).
 - (iii) Covered Observation Area with sufficient capacity to seat entire class and able to provide protection from the rain and sun.
 - (iv) Flashlights (one per two students).
 - (v) Emergency Night Lighting sufficient to illuminate entire exercise area.
- (7) All leaks generated at the Field Training Facility shall be designed to leak at the approximate gallons per minute (and pressure) that would be found in an actual incident.
- (8) Certification for participants in the Haz Mat Emergency Response: Tech/Spec (1D) Tactical Field Operations Course shall include successful completion of the certified course as referenced in 2520(n), delivered by a CSTI certified instructor as referenced in 2530. Students shall accomplish all objectives, participate in all of the training exercises and scenarios and complete the evaluation method at the 70% standard as referenced in section 2520(n).
- (o) (This section reserved for future use.)
- (p) Hazardous Materials Emergency Response – Specialist (1F): Specialized Mitigation Techniques.
 - (1) Certified curriculum for Haz Mat Emergency Response Specialist (1F) Specialized Mitigation Techniques shall include all of the following course objectives:
 - (A) The student shall define the term “matter”, list the three states of matter, describe physical and chemical change, giving examples of each, read and interpret information from the periodic table, describe atomic structure and list the four families: alkali metals, alkaline earths, halogens and noble gases.
 - (B) The student shall list six salts, provide the chemical formula and list the hazards of each. The student shall identify and name non-salts, list the hydrocarbon radicals and derivatives, draw their structural formulas and list the hazards associated with each.
 - (C) Given at least five unknown substances, two of which are solid, and three are liquids, the student shall identify or classify by hazard each of the unknown substances.
 - (D) The student shall identify safe and unsafe behaviors as they pertain to chemical handling.
 - (E) The student shall identify the principles and tests used in field identification kits to determine the hazards or identity of unknown chemicals.
 - (F) The student shall describe the process of looking for contaminants in air, list the major components of a normal atmosphere, and list the types of contaminants which make an atmosphere hazardous. The student shall list the OSHA requirements for entry into a confined space, describe the process of finding unknown gases based on vapor density and interpreting results. Also, the student shall list the four uses of monitoring and the types of instruments available, including the capabilities of each. The student shall utilize a monitoring strategy to analyze unknown atmospheres including an analysis of site specific conditions.
 - (G) The student shall define what Radiation Detection Monitors are designed to detect, describe how they operate, demonstrate how to prepare the Radiation Monitors for use and how to monitor an unknown atmosphere, describe how to interpret the results, and list some of the limitations associated with Radiation Monitors.
 - (H) The student shall describe the development of an incident action plan for a Radioactive Materials Emergency Incident.
 - (I) The student shall define what Combustible Gas Indicators (CGI's) are designed to detect, describe how they operate, demonstrate how to prepare the CGI for use and how to monitor an unknown atmosphere, describe how to interpret the results, and list some of the limitations associated with CGI's.
 - (J) The student shall define what Photoionization Detectors (PID's) are designed to detect, describe how they operate, demonstrate how to prepare the PID for use and how to monitor an unknown atmosphere, describe how to interpret the results, and list some of the limitations associated with PID's.
 - (K) The student shall identify what colorimetric tubes, electrochemical sensors, flame ionization detectors and infrared spectroscopy are de-

signed to detect; describe how these various devices work; and identify some of the use considerations and limitations associated with these devices.

(L) The student shall recognize explosives by their chemical formula, structure or characteristics; list initiators of explosives. The student shall also list the four categories of explosives, and give examples of common improvised and conventional explosives.

(M) Student shall identify the mechanisms by which heat builds up in workers operating in chemical protective clothing, and the appropriate measures to take for someone experiencing a heat related illness.

(N) Student shall identify procedures by which hazardous materials response personnel shall be medically evaluated at incidents.

(O) The student shall don Level "A" chemical protective clothing and perform simulated hazardous materials mitigation skills. The student shall complete the course or proceed through the course within the limits of one full SCBA tank.

(P) The student shall demonstrate the use of grounding and bonding equipment for product transfer.

(Q) The student shall demonstrate the use of plugging and patching equipment for drums.

(R) The student shall demonstrate the use of transfer pumps for product transfer between drums.

(S) The student shall demonstrate the safe use of a drum hand truck.

(T) The student shall demonstrate the safe use of a drum upender.

(U) The student shall demonstrate overpacking of a 55 gallon drum by the "V-Roll" and "End Over" Techniques.

(V) The student shall demonstrate the use of plugging and patching equipment for repairing leaks on piping systems.

(W) The student shall demonstrate the use of plugging and patching equipment for horizontal and vertical storage tanks.

(X) The student shall demonstrate the safe application of a "Chlorine Institute A Kit".

(Y) The student shall demonstrate the safe application of a "Chlorine Institute B Kit".

(Z) The student shall identify the features of a general service railroad tank car.

(AA) The student shall close a bottom-operated outlet valve to stop a simulated leak on a general service railroad tank car.

(BB) The student shall tighten the cap/plug on a bottom outlet valve using a pipe wrench on a general service railroad tank car.

(CC) The student shall close a top-operated bottom outlet valve on a general service railroad tank car.

(DD) The student shall tighten the stuffing box packing for a top-operating bottom outlet valve using a pipe wrench on a general service railroad tank car.

(EE) The student shall stop a simulated leak on a general service man-way using a wrench on a general service railroad tank car.

(FF) The student shall explain the purpose of a vacuum breaker valve and demonstrate the proper method for depressurizing a general service rail car.

(GG) The student shall repair a simulated leak on a liquid line valve on a general service railroad tank car.

(HH) The student shall stop a simulated leak in the vapor line on a general service railroad tank car.

(II) The student shall stop a simulated leak from a safety relief valve on a general service railroad tank car.

(JJ) The student shall identify the features of a pressurized rail car.

(KK) The student shall stop a simulated leak in an angle ball/gate valve on a pressurized rail car.

(LL) The student shall stop a simulated leak in the sample line on a pressurized rail car.

(MM) The student shall stop a simulated leak in the thermometer well of a pressurized rail car.

(NN) The student shall stop a simulated leak in the slip tube gauging device on a pressurized rail car.

(OO) The student shall stop a simulated leak in the safety relief valve on a pressurized rail car.

(PP) The student shall identify the dome features of a pressurized chlorine rail car.

(QQ) The student shall stop a simulated leak on the angle gate valve on a pressurized chlorine rail car.

(RR) The student shall stop a simulated leak on the safety relief valve of a pressurized chlorine rail car.

(SS) The student shall identify advantages of recycling, general conditions and restrictions that apply to recycling, and some of the materials that can and cannot be recycled.

(TT) The student shall identify some of the agencies that might have responsibility for site mitigation management; important considerations regarding funding, transporting waste, utilizing temporary storage facilities, and dealing with citizen concerns. The student shall identify some of the regulations that must be complied with during site mitigation, as well as four legal methods of hazardous waste disposal.

(UU) The student shall identify the three tactical priorities at a haz mat incident, and essential command and control functions. The student shall also be able to describe the levels that a haz mat incident may be divided into, and list criteria for determining those levels.

(VV) The student shall demonstrate the ability to perform one of the following functions at a simulated hazardous materials incident:

(i) Analyze the simulated hazardous materials incident to determine the problem and predict the outcome.

(ii) Identify and perform the appropriate ICS positions required to manage the simulated incident.

(iii) Utilize appropriate technical references to determine product identification and hazards, chemical protective clothing required, and appropriate tactical operations and decon procedures.

(iv) Select and use proper chemical protective clothing and equipment.

(v) Develop and utilize a site safety plan.

(vi) Develop and utilize an Incident Action Plan.

(vii) Identify and perform appropriate decontamination procedures.

(viii) Identify and use the appropriate tools and equipment necessary to mitigate the simulated problem.

(ix) Identify and use the selected method for field identification of the released hazardous material.

(x) Identify and use accepted Standard Operating Procedures for hazardous materials incidents.

(WW) The student shall participate in an Incident Debriefing and a Post Incident Analysis.

(2) Certified curriculum for Hazardous Materials Emergency Response Specialist (1F) Specialized Mitigation Techniques shall include all of the current course material listed in Section 2540(t).

(3) Certified curriculum for the Hazardous Materials Emergency Response Specialist (1F) Specialized Mitigation Techniques Course shall be 40 hours in length.

(4) Certified curriculum for the Hazardous Materials Emergency Response Specialist (1F) Specialized Mitigation Techniques Course shall include all of the following training exercises:

(A) Participation in a Level "A" Chemical Protective Clothing Manipulative Obstacle Course including successful completion of all of the following objectives while donned in Level "A" CPC:

(i) Student shall be able to walk on uneven terrain.

(ii) Student shall be able to climb a fire service ladder to the working platform on a railroad tankcar.

(iii) Student shall be able to cross underneath a cargo tank or rail car without touching knees to the ground.

(iv) Student shall be able to open and/or close a gate valve.

(v) Student shall be able to right an overturned 55-gallon drum.

(vi) Student shall be able to select the proper tools and unbolt or reconnect a simulated pipe mount.

(vii) Student shall be able to remove and replace a drum bung.

(viii) Student shall be able to remove and replace a threaded pipe cap.

(ix) Using a drum hand truck, student shall be able to move a full 55-gallon drum 50 feet.

(x) Student shall be able to shovel 4 shovels full of dirt.

(xi) Student shall be able to insert a redwood plug in a hole in a tank.

(xii) Using a hand transfer pump, student shall be able to transfer 2 gallons of water from a 55-gallon drum into a bucket, then pour the bucket into another 55-gallon drum.

(B) Participation in a Chlorine "B" Kit Exercise, including successful completion of all of the following objectives:

(i) Student shall be able to select and apply the proper components to mitigate a given leak.

(ii) Student shall be able to roll a 1-ton container to change a liquid leak into a vapor leak.

(C) Participation in an Elevated Storage Tank Exercise, including successful completion of all of the following objectives:

(i) Student shall be able to mitigate leaks using mechanical plugging and patching equipment.

(ii) Student shall be able to mitigate leaks using pneumatic plugging and patching equipment.

(iii) Student shall be able to mitigate leaks using granular plugging and patching materials.

(D) Participation in a Piping Simulator Exercise, including successful completion of all of the following objectives:

(i) Student shall be able to mitigate leaks using mechanical plugging and patching equipment.

(ii) Student shall be able to mitigate leaks using pneumatic plugging and patching equipment.

(E) Participation in a Drum Handling Exercise, including successful completion of all of the following objectives:

(i) Student shall be able to mitigate leaks using mechanical plugging and patching equipment.

(ii) Student shall be able to apply chemical patching materials.

(iii) Student shall be able to demonstrate product transfer operations.

(iv) Student shall be able to demonstrate over-packing a drum.

(v) Student shall be able to demonstrate moving a loaded drum.

(F) Participation in a Level "A" Exercise/Scenario, including successful completion of all of the following objectives:

The student, acting within a team, shall:

(i) Apply hazard and risk assessment.

(ii) Employ entry team operations.

(iii) Utilize sampling and monitoring techniques.

(iv) Establish control zones.

(v) Utilize product control methods.

(vi) Establish decontamination operations.

(vii) Develop site-safety plans and incident-action plan.

(viii) Employ rescue/decontamination of the injured.

(ix) Employ medical surveillance.

(x) Select appropriate protective clothing, reservice and clean.

(xi) Employ Incident Command System.

(xii) Perform field identification of chemical unknowns.

(xiii) Prepare a press release.

(xiv) Utilizing the proper current ICS forms, document all incident operations using the following forms:

(1) ICS Form 201 – Incident Briefing;

(2) ICS Form 202 – Incident Objectives;

(3) ICS Form 206 – Medical Plan

(4) ICS Form 214 – Unit Log;

(5) ICS Form 208 – Site Safety Plan

(5) Certified curriculum for the Hazardous Materials Emergency Response Specialist (1F) Specialized Mitigation Techniques Course shall include the following evaluation methods:

(A) Completion of a Level "A" manipulative obstacle course with a minimum passing score of 100%; and,

(B) Completion of the CSTI certified Hazardous Mat Specialist (1F) Specialized Mitigation Techniques Course Final Exam with a minimum passing score of 70% correct.

(6) The following materials/training aids/equipment are required for teaching the Hazardous Materials Emergency Response Specialist (1F) Specialized Mitigation Techniques Course:

(A) A State Certified Hazardous Materials Field Training Facility (FTF) containing all of the training aids, equipment, reference materials, protective clothing, forms and safety items as designated in Section 2560(a).

(7) Certification for participants in the Hazardous Materials Emergency Response Specialist (1F) Specialized Mitigation Techniques Course shall include successful completion of the certified course as referenced in 2520(p), delivered by a CSTI certified instructor as referenced in 2530. Student shall attend 40 hours of training as defined by Title 19 § 2540(j)(4), accomplish all objectives, participate in the training exercise and complete the evaluation method at the 70% standard as referenced in section 2520(p).

(g) Hazardous Materials Emergency Response – Specialist (1G): Tactical Field Operations.

(1) Certified curriculum for Hazardous Materials Emergency Response Specialist (1G) Tactical Field Operations Course shall include all of the following course objectives:

(A) Student shall function as a Hazardous Materials Team member under the Incident Command System at a simulated hazardous materials incident.

(B) Student shall demonstrate the ability to perform the duties of a member of the Command Staff within the Incident Command System at a simulated hazardous materials incident.

(C) Student shall demonstrate the ability to perform the duties of a member of the Hazardous Materials Group within the Incident Command System at a simulated hazardous materials incident.

(D) Student shall demonstrate the ability to perform the duties of a member of the Entry Team within the Incident Command System at the simulated hazardous materials incident.

(E) Student shall demonstrate the ability to perform the duties of a member of the Decontamination Team within the Incident Command System at a simulated hazardous materials incident.

(F) Student shall demonstrate the ability to perform the duties of a member of the Technical Specialist Haz Mat Reference Team within the Incident Command System at a simulated hazardous materials incident.

(G) Student shall demonstrate the ability to perform the duties of a member of the Site Access Control Team within the Incident Command System at a simulated hazardous materials incident.

(H) Student shall demonstrate the ability to don and doff chemical protective clothing at a simulated hazardous materials incident.

(I) Student shall demonstrate the ability to collect and handle chemical samples at a simulated hazardous materials incident.

(J) Student shall demonstrate the ability to select, operate and interpret readings from atmospheric monitoring instruments at a simulated hazardous materials incident.

(K) Student shall demonstrate the ability to perform field identification of chemical unknowns at a simulated hazardous materials incident.

(L) Student shall demonstrate the ability to perform medical monitoring of personnel donned in chemical protective clothing and make recommendations based on the results at a simulated hazardous materials incident.

(M) Student shall demonstrate the ability to select and use proper hand tools to mitigate or control a chemical release at a simulated hazardous materials incident.

(N) Student shall demonstrate the ability to implement proper mitigation techniques at a simulated hazardous materials incident.

(O) Student shall demonstrate the ability to participate in the incident termination phase at a simulated hazardous materials incident.

(2) Certified curriculum for the Hazardous Materials Emergency Response Specialist (1G) Tactical Field Operations Course shall be 40 hours in length.

(3) Certified curriculum for the Hazardous Materials Emergency Response Specialist (1G) Tactical Field Operations Course shall include a

minimum of seven of the following training exercises/scenarios, with a minimum of one exercise/scenario conducted in reduced lighting (after sunset):

(A) Participation in a Release of a simulated DOT Hazard Class 6.1 Poison from a Railroad Tankcar Exercise/Scenario.

(B) Participation in a Release of a simulated DOT Hazard Class 2.3 Poison from a Railroad Tankcar Exercise/Scenario.

(C) Participation in a simulated Accidental Release of Unknown Powdered Material from a Truck Accident Exercise/Scenario.

(D) Participation in an Abandoned Leaking Drums—Multiple Hazard Exercise/Scenario.

(E) Participation in a Pressurized Gas Leak from a 1-Ton or Smaller Container Exercise/Scenario.

(F) Participation in a Transportation Incident Release of Product in an Open Area Exercise/Scenario.

(G) Participation in a Pressurized Pipeline Emergency Exercise/Scenario.

(H) Participation in a Fixed Bulk Storage Tank Exercise/Scenario.

(I) Participation in a simulated Radioactive Materials Exposure Exercise/Scenario.

(J) Participation in a simulated Corrosive Hazardous Materials Release From Railroad Tankcar Exercise/Scenario.

(K) Participation in a Release of simulated Mixed Hazardous Cargo in a Confined Area Exercise/Scenario.

(L) Participation in a Collection of Evidence and Cleanup of a simulated Illegal Drug Lab Exercise/Scenario.

(M) Participation in a Release of a simulated Combustible or Flammable Liquid from a Railroad Tankcar Exercise/Scenario.

(N) Participation in a simulated Cryogenic Tanker Accident Exercise/Scenario.

(O) Participation in a simulated Release of a Combustible or Flammable Liquid from MC 306/406 Cargo Tank Exercise/Scenario.

(P) Participation in a Stinger Operation on an Overturned MC 306/406 Cargo Tank Carrying simulated Combustible or Flammable Liquids Exercise/Scenario.

(Q) Participation in a Release of a simulated Liquefied Gas from a Railroad Tankcar Exercise/Scenario.

(4) Certified curriculum for the Hazardous Materials Emergency Response Specialist (1G) Tactical Field Operations Course shall include the following evaluation methods:

(A) Completion of the CSTI Hazardous Materials Emergency Response Specialist (1G) Tactical Field Operations Course Student Participation Record with a minimum passing score of 70% correct in all of the following manipulative skills:

(i) Donning, doffing and working in level "A" or "B" chemical protective clothing.

(ii) Application of atmospheric monitoring equipment including, combustible gas indicator, oxygen sensors, photoionization detector and radiation detection.

(iii) Collection and handling of samples.

(iv) Field identification of chemical unknowns.

(v) Selection and application of leak mitigation equipment.

(vi) Application of appropriate personnel and equipment decontamination.

(vii) Interpretation of printed and computer based reference sources.

(viii) Application of site access control zones.

(ix) Function as a member of the Hazardous Materials Response Team under the Incident Command System.

(x) Function as a member of the Entry Team.

(xi) Function as a member of the Decontamination Team.

(xii) Function as a member of the Technical Reference Team.

(5) The following materials/training aids/equipment are required for teaching the Hazardous Materials Emergency Response Specialist (1g) Tactical Field Operations Course:

(A) A State Certified Hazardous Materials Field Training Facility (FTF) containing all of the training aids, equipment, reference materials,

protective clothing, forms, and safety items as designated in Section 2560(a).

(6) Certification for participants in the Hazardous Materials Emergency Response Specialist (1G) Tactical Field Operations Course shall include successful completion of the certified course as referenced in section 2520(q), delivered by a CSTI certified instructor as referenced in section 2530. Student shall attend 40 hours of training as defined by Title 19 § 2540(j)(4), accomplish all objectives, participate in all training exercises and complete the evaluation methods at the 70% standard as referenced in section 2520(q).

(r) Hazardous Materials/Weapons of Mass Destruction: Assistant Safety Officer

(1) Course Prerequisite: This course is directed to the Hazardous Materials Technician and Specialist Levels. Students must provide evidence of current certification to the Hazardous Materials Technician or Specialist Level as defined by Title 8 CCR 5192(q)(6)(C) or (D) prior to enrollment. Certified curriculum for Haz Mat/WMD: Assistant Safety Officer shall utilize Incident Action Plans, Site Safety Plans, reports from incident personnel and personal observations and shall include all of the following course objectives:

(A) The student shall demonstrate the ability to analyze a hazardous materials/WMD incident to determine the magnitude of the problem in terms of safety by observing the scene and evaluating the hazards and response information.

(B) The student shall demonstrate the ability to assist in planning a safe response within the level, resources and capabilities of the response personnel.

(C) The student shall demonstrate the ability to ensure the implementation of a safe planned response consistent with the local emergency response plan and the organization's Standard Operating Procedures.

(D) The student shall demonstrate the ability to evaluate the progress of the planned response to ensure the objectives are being met safely.

(E) The student shall prepare a site safety plan (ICS 208).

(F) The student shall demonstrate the ability to review an incident action plan and provide recommendations regarding safety components.

(G) The student shall be able to select the appropriate type and level of Personal Protective Equipment at a Haz Mat/WMD incident.

(H) When provided with a real (historical) or simulated decontamination scenario, the student shall demonstrate the skill of evaluating the decon plan and make recommendations concerning safety.

(I) The student shall demonstrate the ability to conduct safety briefings at a Haz Mat/WMD incident.

(J) The student shall demonstrate an understanding of implementation and enforcement of safety issues at a Haz Mat/WMD incident.

(K) The student shall demonstrate proper communications during a Haz Mat/WMD incident.

(L) The student shall be able to identify and evaluate the incident safety and/or action plan to detect and recognize deviations from the Site Safety Plan and any dangerous situations.

(M) The Student shall describe the procedures for taking corrective actions when dangerous situations are encountered at a Haz Mat/WMD incident.

(N) The student shall identify appropriate transportation and medical services required at a Haz Mat/WMD incident.

(O) The student shall describe the proper procedures for termination of a Haz Mat/WMD incident.

(2) To satisfy the above objectives, students will demonstrate knowledge and skills through the following activities:

(A) Safety Briefing(s)

(B) Development of a Site Safety Plan

(C) Review and discuss case studies related to safety

(D) Review and discuss past incident action plans

(3) Certified curriculum for the Haz Mat/WMD: Assistant Safety Officer Course shall be a minimum of 16 hours in length and shall include all of the course material listed in Section 2540(t).

(4) Completion of a CSTI certified Haz Mat/WMD Assistant Safety Officer Course written exam with a minimum passing score of 70% correct.

(5) Certification for participants in the Haz Mat/WMD: Assistant Safety Officer Course shall include successful completion of the certified course as referenced by Section 2520(r) and as delivered by a CSTI certified instructor as referenced in Section 2530(m). Student shall meet a minimum attendance requirement of 16 hours, accomplish all objectives, participate in the training exercises and complete the evaluation method at the 70% standard.

(s) Hazardous Waste General Site Worker

(1) This section applies to:

(A) Hazardous Waste General Site Worker 40 hour course as required by Title 8 CCR 5192(e)(3)(A) and Title 29 CFR 1910.120(e)(3)(i).

(B) Hazardous Waste Occasional Site Worker, 24 hour class as required in Title 8 CCR 5192(e)(3)(B) and Title 29 CFR 1910.120(e)(3)(ii).

(C) Hazardous Waste Site Worker, Characterized Site 24 hour class as required by Title 8 CCR 5192(e)(3)(C) and Title 29 CFR 1910.120(e)(3)(iii).

(D) Upgrade to General Site Worker, 16 hour to Hazardous Waste General Site Worker (40 hour level) as required in Title 8 CCR 5192(e)(3)(D) and Title 29 CFR 1910.120(e)(3)(iv).

(2) This training is required to be site-specific. Course Managers will focus the learning materials and manipulative experience to represent the equipment and skill levels present on the specific site. For open-enrollment classes, where the site is unknown or a variety of different sites and situations are represented, all of the material and the below listed manipulative skills will be completed.

(3) Course Managers will use the most current version of the General Site Worker text (and supplemental materials) for both the 40 course and the 24 hour courses. Current Curriculum will include all of the course objectives listed below.

(A) The students level of understanding of the subject matter will be verified through the use of written pre-course work sheets (contained in the Instructor Guide), homework assignments administered during the course and a minimum 50 question multiple choice/true-false examination with a minimum passing score of 70%. One retake of the exam will be permitted for students who do not attain 70% or better the first time.

(B) The participant shall meet the following knowledge objectives:

(i) Know who is responsible for the health and safety of workers on site and understand the chain of command system

(ii) Understand what Safety Hazards are or could be on a hazardous waste site

(iii) Understand what Health hazards are or could be on a hazardous waste site

(iv) Understand what other hazards which may be found on a hazardous site

(v) Have an understanding of the different types and uses of Chemical Protective Clothing

(vi) Have an understanding of the different types and uses of Safety Clothing

(vii) Have an understanding of the different types and uses of Respiratory Protective Equipment

(viii) Have an understanding of Safe Work practices and site safety

(ix) Understand how to use engineering controls during site activities

(x) Understand what equipment is or may be on a hazardous waste site and how to operate it, or where to find instruction in its use

(xi) Understand what medical surveillance is required, the elements of the program and how to access medical records.

(xii) Understand how to recognize the signs and symptoms of overexposure to hazards

(xiii) Understand the types and purpose of Decontamination at a hazardous waste site

(xiv) Understand the importance of and know the elements of an emergency response plan

(xv) Understand the Personal Protective Equipment requirements of an on-site emergency and the additional skills and equipment which may be required

(xvi) Understand the hazards and procedures associated with entry into a confined space

(xvii) Understand the different elements required in a spill control plan and the methods available to make it effective

(xviii) Understand spill containment and control options available at a hazardous waste site

(xviv) Understand how and why sites and workplaces are monitored and the types of equipment used.

(xx) Non-Mandatory elements of importance:

a. Understand how sites are characterized and analyzed

b. Understand what site control is and its importance

c. Understand the levels of training within section 5192 and how it relates to the site worker

d. Understand safety issues including: Illumination, sanitation, hearing and other safety issues which may be found on a waste site

e. Understand terminology as it relates to hazardous waste and waste sites

(C) The participant shall meet the following skills objectives and manipulative skills will be verified by the course coordinator prior to advancement to the next skill. All participants (except the 24 hour classes) will complete all of the following:

(i) Hands-on orientation sessions with all equipment as listed in section (D)

(ii) Participation in an obstacle course as listed in section (D) (viii)

(iii) Participation in a scenario or exercise which simulates a hazardous waste site and provides the participants with the opportunity of wearing the proper PPE while performing manipulative tasks.

(D) Skills objectives will include:

(i) In small teams (of 2 or 3) write a site safety and health plan for a simulated hazardous waste site or activity

(ii) Each participant will don and doff Level C, Level B and/or Level A chemical protective equipment in practice, skill development and as directed in the final exercise

(iii) Each participant will don and doff a supplied air respirator and an air purifying respirator

(iv) Each participant will assist in the set-up and operation of a decontamination area and will decontaminate at least one person and be decontaminated themselves at least once.

(v) Each participant will practice drum opening, closing, moving and patching techniques

(vi) Each participant will practice spill containment techniques

(vii) Each participant will demonstrate the set-up and operation of an air monitor which measures at least Oxygen and Flammability (Percent of LEL)

(viii) Each participant will participate in an obstacle course designed to exercise some or all of the skills listed above

(ix) Each participant will assume a role within the final scenario and objectively demonstrate their skill in the task assigned

(x) Optional skill: Each participant will practice two types of sampling during an exercise or the obstacle course

(xi) Student to Instructor/Equipment/etc. Ratios are used in section (6) below to assure students receive an adequate level of experiential learning. See Section 2540(d)(5)(B) for information on break-outs and sectional training.

(4) The following Training aids, materials and equipment are required for teaching the 40 hour Hazardous Materials Waste General Site Worker Class (as noted in section (2) above):

(i) Student Text Books (one per student).

(ii) Reference Materials (one copy per every 4 (four) students) to include but not limited to;

a. NIOSH Pocket Guide to Chemical Hazards (current edition);

b. Appropriate Material Safety Data Sheet(s) for hazardous substances present at the work site, facility and/or industry involved;

c. The most current edition of the Department of Transportation Emergency Response Guide

(iii) Monitoring equipment used at the work site, facility and/or industry involved (one each for demonstration) or as required in (D)(vii) above.

(iv) Personal Protective Equipment used at the work site, facility and/or industry involved (one each for demonstration).

(v) Personal Protective Equipment, of the Level and type used at the site, facility and/or industry involved, for student use. The course manager shall ensure that there are sufficient suits and respiratory equipment on hand to ensure that no suit or respiratory equipment is worn twice without being cleaned and disinfected.

(vi) Forms used at the work site, facility and/or industry involved, including but not limited to:

- a. Medical Monitoring Form;
- b. Site Safety Health and Safety Plan;
- c. Organizational Structure Form.

(vii) Decontamination equipment representative of the standard teaching model (2 or 3 pool layout) or those used at the work site, facility and/or industry involved.

(viii) Miscellaneous:

- a. Tarps or shade to protect participants from heat when outside;
- b. Methods of restricting access to the simulated control zones;
- c. A method or device for communication during the obstacle course and final exercise;
- d. Drum opening, plug, patch and sampling materials
- e. Containment and control materials. Such as, but not limited to: Booms, Non-sparking shovels, sorbant, pigs and etc.

(5) Certification for participants in the Hazardous Waste General Site Worker Course shall include all of the following:

(i) Successful completion of the certified course, as referenced in Section 2520(s)

(ii) Meet a minimum attendance of 40 hours and accomplish all course objectives as referenced in Section 2520(s); and,

(iii) Completion of the CSTI certified Hazardous Waste General Site Worker Course Final Exam with a minimum passing score of 70% or better.

(6) Certified Curriculum for Hazardous Waste Occasional Site Worker (8CCR5192(e)(3)(B)) shall be 24 hours in length and the course shall use the 40 Site Worker text.

(i) Successful completion of the certified course, as referenced in Section 2520(s)

(ii) Meet a minimum attendance of 24 hours and accomplish all course objectives as referenced in Section 2520(s); and,

(iii) Completion of the CSTI certified Hazardous Waste Occasional Site Worker Course Final Exam with a minimum passing score of 70% or better.

(7) Certified Curriculum for Hazardous Waste Site Worker, Characterized Site (8CCR5192(e)(3)(C)), shall be 24 hours in length and the course shall use the 40 Site Worker text.

(i) Successful completion of the certified course, as referenced in Section 2520(s)

(ii) Meet a minimum attendance of 24 hours and accomplish all course objectives as referenced in Section 2520(s); and,

(iii) Completion of the CSTI certified Hazardous Waste Site Worker, Characterized Course Final Exam with a minimum passing score of 70% or better.

(8) Certification for Hazardous Waste General Site Worker Up-Grade to the 40 hour level from the 24 hours level (8 CCR 5192(e)(3)(D)) shall require the completion of each of the following:

(i) Successful completion of a CSTI/State certified 24 hour course as referenced in Section 2520(s)

(ii) Meet a minimum attendance of 16 hours and accomplish all course objectives as referenced in Section 2520(s)(3)(C). Participation and completion of Day 4 and Day 5 (equivalent to 16 hours) of a five day

CSTI Certified 40 hour Hazardous Waste General Site Worker course is considered adequate for skill based objective completion.

(iii) Completion of the CSTI certified Hazardous Waste General Site Worker, 40 hour, Final Exam with a minimum passing score of 70% or better.

(t) Hazardous Materials Emergency Response Technician-Private Industry.

(1) Certified curriculum for Hazardous Materials Emergency Response Technician-Private Industry Course shall include all of the course objectives listed below, except as noted in paragraph (3) of this Section. Course managers shall ensure, to the extent practical, that the training methods used to meet these objectives are focused on the procedures, products and/or facilities in use at the site and/or industry that the particular class is directed at.

(A) The student shall recognize significant federal and state laws and regulations pertaining to hazardous materials and hazardous waste, as well as key provisions of each law and regulation. The student shall describe his/her rights and responsibilities under OSHA regulations and other related laws.

(B) The student shall recognize accepted safety practices common to the industrial setting. The student shall identify standard accident prevention concepts.

(C) The student shall identify key components of his/her employer's hazardous materials emergency response plan.

(D) The student shall describe the components of a site safety plan for a hazardous materials incident and identify key points that should be made in a safety briefing prior to working on the scene.

(E) The student shall recognize basic ICS concepts as they apply to hazardous materials incidents, the general organization of the Incident Command System and the applicable standard ICS forms.

(F) The student shall describe the duties of a member of the Command Staff within the Incident Command System at a hazardous materials incident.

(G) The student shall describe the duties of each position within the Hazardous Materials Group, to include: The Hazardous Materials Group Supervisor, the Entry Leader, the Decontamination Leader, the Site Access Control Leader, the Safe Refuge Area Manager, the Assistant Safety Officer-Hazardous Materials and Technical Specialist-Hazardous Materials Reference.

(H) The student shall recognize the importance of establishing control zones and identify the three control zones to be established at a hazardous materials incident.

(I) The student shall recognize basic chemical and physical terms and behaviors.

(J) The student shall describe the types of exposure, the toxic effects, the dose-response relationship and terms used to describe toxicity and environmental conditions at a hazardous materials incident.

(K) The student shall describe OSHA required Medical Programs including Medical Surveillance Program and Medical Monitoring Program.

(L) The student shall identify the types of hazard and response information available from reference manuals, hazardous materials data bases, technical information centers (i.e. CHEMTREC) and technical information specialists. The student shall explain the advantages and disadvantages of each resource. The student shall utilize various reference sources to identify hazard and response information about various hazardous materials.

(M) The student shall identify the various types of respiratory protection to include: self contained breathing apparatus (SCBA), supplied air respirators (SAR) and air purifying respirators (APR).

(N) The student shall identify the three types of Chemical Protective Clothing: vapor-protective, splash-protective and support-function clothing and describe the advantages and disadvantages of each. The student shall identify the four levels of chemical protection (EPA/NIOSH/NFPA) and match both the equipment required for each level and the

conditions under which each level is used. The student shall explain the significance of degradation, penetration and permeation as they relate to suit selection.

(O) The student shall describe the procedures for donning and doffing the respiratory protection devices and protective clothing used at the facility and/or industry involved.

(P) The student shall identify various environmental, mechanical, physiological and psychological stresses to which personnel working in chemical protective clothing are subjected.

(Q) The student shall identify the mechanisms by which heat builds up in workers operating in chemical protective clothing, and the appropriate measures to take for someone experiencing a heat related illness.

(R) The student shall identify procedures by which hazardous materials response personnel will be medically monitored at hazardous materials incidents.

(S) The student shall describe the various monitoring instruments used for air monitoring to include, but not limited to: A combustible gas indicator, a colorimetric tube, a photo-ionization device, an oxygen detection device. (A multi-detection instrument reading combustible gasses, oxygen, carbon monoxide and hydrogen sulfide may also be used.) The student shall describe the theory of operation for each instrument.

(T) The student shall identify the hazards and risks involved with confined space operations during a hazardous materials release.

(U) The student shall describe the information needed to conduct a Hazard and Risk Assessment during a hazardous materials incident.

(V) The student shall identify various offensive control options that may be utilized at a hazardous materials incident including repositioning leaking drums, overpacking, using absorbents, plugging, patching and catching. The student shall describe the purpose of, procedures for, equipment required and safety precautions appropriate for each method.

(W) The student shall identify various defensive control options that may be utilized at a hazardous materials incident including damming, diking and diverting. The student shall describe the purpose of, procedures for, equipment required and safety precautions appropriate for each method.

(X) The student shall identify the various decontamination methods, the types of decontamination, factors that can affect the decontamination process and resources needed to establish a Contamination Reduction Corridor. The student shall also identify general guidelines for Emergency Decontamination, including sources for selecting appropriate decontamination procedures and solutions.

(Y) The student shall identify guidelines for dealing with injured or trapped persons at a hazardous materials incident.

(Z) The student shall describe Incident Termination and Recovery Practices and Procedures.

(AA) The student shall demonstrate the ability to perform one of the following functions at a simulated hazardous materials incident:

(i) Analyze the simulated hazardous materials incident to determine the problem and predict the outcome;

(ii) Identify and perform the appropriate ICS positions required to manage the simulated incident;

(iii) Utilize appropriate technical references to determine product identification and hazards, chemical protective clothing required, and appropriate tactical operations and decon procedures;

(iv) Select and use proper chemical protective clothing and equipment;

(v) Develop and utilize a site safety plan;

(vi) Develop and utilize an Incident Action Plan;

(vii) Identify and perform appropriate decontamination procedures;

(viii) Identify and use the appropriate tools and equipment necessary to mitigate the simulated problem;

(ix) Identify and use the selected method for identification of the released hazardous material; and,

(x) Identify and use accepted Standard Operating Procedures for hazardous materials incidents.

(BB) The student shall participate in an Incident Debriefing and a Post Incident Analysis.

(CC) Student shall define the term "hazardous materials"; identify how hazardous materials can harm people, the environment and property; and state the role of the First Responder at the Operations level as defined by Title 8 California Code of Regulations §5192(q)(6)(B).

(DD) Student shall recognize a Haz Mat incident through basic clues, warning signs, placards, labels, shipping papers, and material safety data sheets; identify the hazardous substance(s) present at the incident from a safe distance; understand the need for a positive safety attitude; and, described a safe approach to a Haz Mat incident.

(EE) Student shall describe first responder awareness actions, understanding the need for responder safety, isolation of the incident scene, the need for additional resources and making required notifications.

(FF) Student shall identify the purpose and need to safely initiate command; describe basic identification and assessment techniques; demonstrate the use of the Department of Transportation North American Emergency Response Guidebook (current DOT NAERG) for basic action planning.

(GG) Student shall identify the need and method to communicate and coordinate with typical agencies from all levels of government having authorized activities dealing with a Haz Mat event, citing those agencies, their roles/responsibilities and capabilities.

(2) Certified curriculum for Hazardous Materials Emergency Response Technician—Private Industry Course shall include all of the current course material listed in Section 2540(t).

(3) Certified curriculum for Hazardous Materials Emergency Response Technician—Private Industry Course shall be 40 hours in length if the class participants have not had First Responder Operations training meeting the minimum competencies specified in Title 8, California Code of Regulations, Section 5192(q). If all of the class participants have had such training and present proof of that to the Course Manager then the minimum hours for a Certified Course may be 24 hours. A Certified Course 24 hours in length may delete the following course objectives from this Section: (I), (M), (N), (U), (W), and (CC)–(GG). A Certified Course shall include the below listed training exercises. All training exercises for this course should focus on procedures, products and facilities in use at the site and/or industry.

(A) Participation in an Introduction to Protective Clothing Exercise, including successful completion of the following objectives:

(i) Student shall identify and discuss the basic concept of chemical protective clothing, component parts, types of manufacturer, and the importance of compatibility charts.

(ii) Student shall identify and discuss the basic concept of respiratory devices, component parts, types of respiratory devices, and the importance of their use.

(iii) Completion of a Practical Course wearing "Level A" or "Level B" complete Chemical Protective Clothing Ensemble. The course shall consist of the following manipulative tasks: Walking on uneven ground, negotiate under a low object, climb a ladder, plug and patch a container, insert a drum bung, bond and ground a drum, over-pack a drum.

(B) Participation in an Introduction to Levels of Chemical Protective Clothing Exercise including successful completion of the following objectives:

(i) Student shall identify and discuss the basic concept of levels of chemical protective clothing; and,

(ii) Student shall identify different systems, and explain which one is the most appropriate for use in their workplace.

(C) Participation in an Introduction to Monitoring and detection Device Exercise, including successful completion of the following objective:

(i) Student shall identify, discuss and use monitoring and detection devices and identify and evaluate the meter readings from six (6) unknown chemicals.

(D) Participation in an Introduction to Offensive and Defensive Control Options Exercise, including successful completion of the following objective:

(i) Student shall identify, discuss and perform the basic concepts of plugging, patching and containment.

(E) Participation in an evaluation scenario including successful completion of the following objectives:

(i) Analyze the simulated hazardous materials incident to determine the problem and predict the outcome;

(ii) Identify and perform the appropriate positions within the Incident Command System required to manage the simulated incident;

(iii) Identify and utilize the technical references used for providing information for product identification, chemical protective clothing selection, tactical operations and decontamination procedures;

(iv) Select and use proper chemical protective clothing (CPC), and equipment;

(v) Develop and utilize a Site Safety Plan;

(vi) Develop and utilize an Incident Action Plan;

(vii) Identify and perform appropriate decontamination procedures;

(viii) Identify and use the selected method for field identification of the simulated released hazardous material;

(ix) Identify and use the accepted standard operating procedures for hazardous materials incidents; and,

(x) Participate in a post-scenario analysis.

(4) Certified curriculum for Hazardous Materials Emergency Response Technician—Private Industry Course shall include the following evaluation method:

(A) Completion of the CSTI certified Haz Mat Emergency Response Technician—Private Industry Course Final Exam with a minimum passing score of 70% correct.

(5) The following materials/training aids/equipment are required for teaching the Hazardous Materials Emergency Response Technician—Private Industry Course:

(A) Student Text Books (one per student).

(i) If the Course Manager conducts the class in 40 hours they shall use the Hazardous Materials Emergency Response Technician—Private Industry Student Notebook.

(ii) If the Course Manager conducts the class in 24 hours they shall use the Hazardous Materials Emergency Response Technician—Private Industry (24 Hour) Student Notebook.

(B) Reference Materials (one copy per every 10 students)—

(i) NIOSH Pocket Guide to Chemical Hazards (current edition);

(ii) Department of Transportation North American Emergency Response Guidebook (current edition);

(iii) An appropriate Material Safety Data Sheet for a chemical used at the facility and/or industry involved;

(iv) California Hazardous Materials Incident Contingency Plan (current edition).

(C) Monitoring equipment used at the facility and/or industry involved (one each for demonstration).

(D) Chemical protective clothing used at the facility and/or industry involved (one each for demonstration).

(E) Chemical protective clothing, of the Level and type used at the facility and/or industry involved, for student use. The course manager shall ensure that there are sufficient suits on hand to ensure that no suit is worn twice without being cleaned and disinfected.

(F) Forms used at the facility and/or industry involved, including but not limited to:

(i) Medical Monitoring Form;

(ii) Site Safety Plan;

(iii) Current ICS Forms, including:

a. Form 201 Incident Briefing,

b. Form 202 Incident Objectives,

c. Form 205 Incident Radio Communications Plan, and

d. Form 214 Unit Log.

(G) Decontamination equipment used at the facility and/or industry involved.

(H) Miscellaneous:

(i) A device to indicate approximate wind direction and velocity;

(ii) Methods of restricting access to the simulated control zones;

(iii) Devices or methods of communication between the simulated incident commander, simulated response team and exercise facilitators;

(iv) Incident Command vests for at least the following ICS positions:

a. Haz Mat Group Supervisor,

b. Assistant Safety Officer,

c. Entry Leader,

d. Decon Leader,

e. Technical Reference Leader,

f. Site Access Leader, and

g. Safe Refuge Area Manager.

(6) Certification for participants in the Hazardous Materials Emergency Response Technician—Private Industry Course shall include all of the following:

(A) Successful completion of the certified course, as referenced in Section 2520 (t);

(B) Successful completion of the certified course as referenced in Section 2520 (t) as coordinated by a CSTI Haz Mat Section faculty member; and,

(C) Attend 40 hours of training as defined by Title 19 § 2540(j)(4), except as noted in Paragraph (3) of this Section and accomplish all course objectives as referenced in Section 2520 (t).

(u) Hazardous Materials Emergency Response – Advanced Environmental Crimes Investigations.

(1) Certified curriculum for Hazardous Materials Emergency Response Advanced Environmental Crimes Investigations Course shall include all of the following course objectives:

(A) Student shall recognize an environmental crime scene and follow recognized principles of toxicology, chemistry and sampling while conducting the field investigation.

(B) Student shall identify areas of the crime scene which would require sampling, obtain an enforcement sample and recognize the type of laboratory analysis needed to prove the case.

(C) Student shall conduct advanced chemical field testing and identify a series of unknown chemicals by chemical name, DOT hazard class and properties.

(D) Student shall use the principles of advanced investigation techniques to identify the suspects in a complex investigation.

(E) Student shall apply the principles of advanced interviewing skills.

(F) Student shall be familiar with the requirements of conducting undercover operations.

(G) Student shall become familiar with the skills necessary to conduct surveillance operations.

(H) Student shall outline the investigative steps necessary to conduct a complex environmental crimes case, collect evidence, explain the process for obtaining search warrants and deliver an oral briefing of the case.

(I) Student shall understand how to conduct an ethical investigation and know the steps of developing an environmental policy.

(J) Student shall identify legal trends and legislative updates.

(K) Student shall know how to conduct successful task force operations.

(2) Certified curriculum for Hazardous Materials Emergency Response Advanced Environmental Crimes Investigations Course shall be 40 hours in length and shall include all of the current course material listed in Section 2540(t).

(3) Certified curriculum for Hazardous Materials Emergency Response Advanced Environmental Crimes Investigations Course shall include the following training exercises:

(A) Demonstrate proper procedures for field sampling; and,

(B) Demonstrate proper procedures for advanced chemical field testing; and,

(C) Demonstrate ability, through the gathering of information, collection of data from sampling, review of witness statements, to form opinions and determine the correct recommendations for criminal or civil filing of the case.

(4) Certification for participants in the Hazardous Materials Emergency Response Advanced Environmental Crimes Investigations Course shall include successful completion of a certified course as referenced in Section 2520 (u) as delivered by a CSTI certified instructor as referenced in Section 2530. Student shall attend 40 hours of training as defined by Title 19 § 2540(j)(4), accomplish all objectives, and participate in training exercises as referenced in Section 2520 (u).

(v) Hazardous Materials Emergency Response – Emergency Medical Response to Hazardous Materials Incidents: A Guide for First Responders.

(1) Certified curriculum for Emergency Medical Response to Hazardous Materials Incidents: A Guide for First Responders Course shall include all of the following course objectives:

(A) Student shall describe the recognition clues for determining the hazards present to the responder and patients at a hazardous materials incident.

(B) Student shall describe the need for appropriate decontamination of personnel, patients and equipment, including the ability to identify situations which present risks from secondary contamination.

(C) Student shall identify the role of Emergency Medical Service personnel at a hazardous materials incident.

(D) Student shall identify and describe the Emergency Medical Service component at a hazardous materials incident.

(E) Student shall demonstrate identification and hazard assessment techniques.

(F) Student shall demonstrate use of the current edition of the North American Emergency Response Guidebook in order to initiate basic action planning.

(G) Student shall describe the need for, types, selection criteria and limits of personal protective equipment commonly used at a hazardous materials emergency.

(H) Student shall describe the preparation necessary for receiving patients who have been exposed to hazardous materials, and the treatment considerations for the patient who has been exposed to hazardous materials.

(I) Student shall describe the monitoring steps and elements of medical support for hazardous materials response personnel.

(J) Student shall identify patient needs assessment techniques and describe the appropriate level of emergency medical care at a hazardous materials incident.

(K) Student shall identify the actions required to terminate a hazardous materials incident.

(3) Certified curriculum for the Emergency Medical Response to Hazardous Materials Incidents: A Guide for First Responders Course shall be a minimum of 16 hours in length and shall include all of the course material listed in Section 2540(t).

(4) Certified curriculum for the Emergency Medical Response to Hazardous Materials Incidents: A Guide for First Responders Course shall include the following training exercise:

(A) Participation in a table-top exercise including successful completion of the following objectives:

(i) Demonstrate identification and hazard assessment techniques;

(ii) Demonstrate use of the current version of the North American Emergency Response Guidebook in order to initiate basic action planning.

(5) Certified curriculum for the Emergency Medical Response to Hazardous Materials Incidents: A Guide for First Responders Course shall include the following evaluation method:

(A) Completion of a CSTI certified Emergency Medical Response to Hazardous Materials Incidents: A Guide for First Responders Course written exam with a minimum passing score of 70% correct.

(6) Certification for participants in the Emergency Medical Response to Hazardous Materials Incidents: A Guide for First Responders Course shall include successful completion of a certified course as referenced by Section 2520 (v) as delivered by a CSTI certified instructor as referenced in Section 2530. Student shall meet a minimum attendance of 16 hours, accomplish all objectives, participate in the training exercise and complete the evaluation method at the 70% standard as referenced in Section 2520 (v).

(w) Hazardous Materials/Weapons of Mass Destruction Emergency Response, First Receiver Operations and Decontamination for Health Care

(1) Certified curriculum for Hazardous Materials/Weapons of Mass Destruction Emergency Response, First Receiver Operations and Decontamination for Health Care shall include all of the following course objectives:

(A) Student shall recognize a Haz Mat incident through basic clues, warning signs, placards, labels, shipping papers, and material safety data sheets; understand need for a positive safety attitude; and, describe a safe approach to a Haz Mat incident.

(B) Student shall describe first responder operations actions, with an understanding of the need for safety, isolation and making required notifications to a hazardous materials incident.

(C) Student shall identify the purpose and need to safely initiate command; describe the basic implementation of the Incident Command System (ICS) and the Hospital Emergency Incident Command System (HE-ICS), cite basic identification and assessment techniques; demonstrate the use of the current edition of the Emergency Response Guidebook or other appropriate reference sources for basic action planning.

(D) Student shall explain the need for, types, selection criteria and limits of protective equipment commonly used in Haz Mat incidents.

(E) Student shall identify need for the appropriate field decontamination of victims, emergency response/facility personnel and equipment, in order to avoid additional contamination; and cite the requirements for proper disposal and documentation during a hazardous materials response.

(F) Student shall describe proper procedures for the set up of a decontamination area at their Emergency Department should a contaminated victim of Hazardous Materials walk in.

(G) Student shall cite the health effects that Hazardous Materials present to the first responder's life and safety.

(H) Student shall describe methods to determine what types of Hazardous Materials are used by the healthcare facility and local industries in order to plan for Hazardous Materials victims in their Emergency Department.

(I) Student shall describe the value, methods and limitations of stabilizing the Haz Mat incident through safe containment; and, describe the proper protective action and rescue options available to first responders, within their capabilities and resources.

(J) The student shall understand the need for Decontamination training for First Responders at the Operations Level.

(K) The student shall understand the basic principles of decontamination. The student shall understand the protocols for performing Patient Decontamination.

(L) The student shall participate in a demonstration, walk-through and practice of decontamination protocols, to aid in the ability to set-up Patient Decontamination per the student's employer's guidelines or generic Decontamination Standard Operating Procedure.

(M) The student shall understand the personal protective equipment protocols and safety issues associated with Primary Decontamination.

(N) Student shall identify the need and method to communicate and coordinate with typical agencies from all levels of government having authorized activities dealing with a hazardous materials event, citing those agencies, their roles/responsibilities and capabilities.

(2) Certified curriculum for Hazardous Materials/Weapons of Mass Destruction Emergency Response, First Receiver Operations and Decontamination for Health Care shall be a minimum of 16 hours in length and shall include all of the course material listed in Section 2540(t).

(3) Certified curriculum for Hazardous Materials/Weapons of Mass Destruction Emergency Response, First Receiver Operations and Decontamination for Health Care shall include the following training exercises:

(A) Demonstrate proper use of the current edition of the Emergency Response Guidebook or other appropriate reference sources to include the successful completion of the following objectives:

(i) Student shall determine hazards to the first responder and Hazardous Materials victim.

(ii) Student shall determine if personal protective equipment is appropriate.

(B) The student shall participate in an activity requiring them to properly don and doff appropriate chemical protective clothing (CPC) and an activity requiring them to complete a practical exercise involving the performance of common manipulative tasks while wearing the appropriate CPC. The student shall understand proper medical monitoring procedures and applicable hand signals before participating in any activity while wearing CPC.

(C) The student shall perform Primary Decontamination, in appropriate chemical protective clothing per the student's employer's guidelines or generic Decontamination Standard Operating Procedure.

(D) The student shall review, and if possible improve, their own or a generic Decontamination Standard Operating Procedure based on the key course content.

(4) Certified curriculum for Hazardous Materials/Weapons of Mass Destruction Emergency Response, First Receiver Operations and Decontamination for Health Care shall include the following evaluation method:

(A) Completion of a CSTI certified Hazardous Materials/Weapons of Mass Destruction Emergency Response, First Receiver Operations and Decontamination for Health Care written exam with a minimum passing score of 70% correct.

(5) Certification for participants in the Hazardous Materials/Weapons of Mass Destruction Emergency Response, First Receiver Operations and Decontamination for Health Care Course shall include successful completion of a certified course as referenced by Section 2520(w) as delivered by a CSTI certified instructor as referenced in Section 2540. Student shall meet a minimum attendance of 16 hours, accomplish all objectives, participate in the training exercise and complete the evaluation method at the 70% standard as referenced in Section 2520(e).

(x) Hazardous Materials Emergency Response First Responder Operations – Decontamination

(1) Certified curriculum for Hazardous Materials Emergency Response First Responder Operations – Decontamination Course shall include all of the following course terminal objectives:

(A) The student shall understand the need for Decontamination training for First Responders at the Operations Level.

(B) The student shall understand the basic principles of decontamination.

(C) The student shall understand the protocols for performing Primary Decontamination, consistent with the FIREScope Incident Command System.

(D) The student shall participate in a demonstration, walk-through and practice of decontamination protocols, to aid in the ability to set-up a Primary Decon "Contamination Reduction Corridor," per the student's employer's guidelines or generic Decontamination Standard Operating Procedure.

(E) The student shall understand the personal protective equipment protocols and safety issues associated with Primary Decontamination.

(F) The student shall participate in an activity requiring them to properly don and doff "Level B" personal protective equipment and an activ-

ity requiring them to complete a practical exercise involving the performance of common manipulative tasks while wearing "Level B" personal protective equipment. The student shall understand proper medical monitoring procedures and applicable hand signals before participating in any activity while wearing "Level B" personal protective equipment.

(G) The student shall perform Primary Decontamination, in "Level B" personal protective equipment per the student's employer's guidelines or generic Decontamination Standard Operating Procedure.

(H) The student shall review, and if possible improve, their own or a generic Decontamination Standard Operating Procedure based on the key course content.

(2) Certified curriculum for the Hazardous Materials Emergency Response First Responder Operations – Decontamination Course shall include all of the current course material listed in Section 2540(t).

(3) Certified curriculum for the Hazardous Materials Emergency Response First Responder Operations – Decontamination Course shall be a minimum of 8 hours in length and shall include the below listed training exercises.

(A) The student shall participate in an activity requiring them to properly don and doff "Level B" personal protective equipment and an activity requiring them to complete a practical exercise involving the performance of common manipulative tasks while wearing "Level B" personal protective equipment. While performing this activity, they must traverse a distance of at least 200 feet.

(B) Student shall participate in a "Functional Decon Exercise," performing Primary Decontamination, per the student's or generic Decontamination Standard Operating Procedure, that meets the following objectives:

(i) Demonstrate safe operations throughout the exercise;

(ii) Demonstrate selection of a safe Contamination Reduction Corridor, and demonstrate setting up the corridor, including all necessary equipment needed for Primary Decon;

(iii) Demonstrate the safe and effective management and performance of Primary Decon procedures, ensuring "Level B" personal protective equipment in the Contamination Reduction Corridor;

(iv) Demonstrate the proper use of control zones, and maintain proper personal protective equipment for all personnel within all of those zones; and,

(v) Participate in a post-exercise debriefing.

(4) Certified curriculum for Hazardous Materials Emergency Response First Responder Operations – Decontamination Course shall include the following evaluation method:

(A) Completion of the current CSTI certified Hazardous Materials Emergency Response First Responder Operations – Decontamination Course Final Exam with a minimum passing score of 70% correct.

(5) The following materials/training aids/equipment are required for teaching the Hazardous Materials Emergency Response First Responder Operations – Decontamination Course:

(A) Student Text Books (one per student).

(B) Decontamination equipment to support the student's employer's guidelines or generic Decontamination Standard Operating Procedure.

(C) Chemical Protective Clothing, and Self Contained Breathing Apparatus, used at the facility and/or agency involved, or "Level B" personal protective equipment (one each for demonstration).

(D) Medical Monitoring equipment to support the level of Chemical Protective Clothing and Self Contained Breathing Apparatus used at the facility and/or agency involved, or "Level B" personal protective equipment.

(E) Forms used at the facility and/or agency involved, including but not limited to:

(i) Medical Monitoring Form; and

(ii) Site Safety Plan.

(6) Certification for participants in the Hazardous Materials Emergency Response First Responder Operations – Decontamination Course shall include all of the following:

(A) Successful completion of the certified course, as referenced in Section 2520 (x) as delivered by a CSTI certified instructor as referenced by 2530;

(B) Meet a minimum attendance of 8 hours and accomplish all course objectives as referenced in Section 2520 (x); and

(C) Complete the evaluation method at the 70% standard as referenced in Section 2520(x).

(y) Hazardous Materials Emergency Response — First Responder Awareness—Nuclear, Biological and Chemical Agents.

(1) Certified curriculum for First Responder Awareness—Nuclear, Biological and Chemical Agents course shall include all of the following course objectives:

(A) Cite and describe the general types of nuclear, biological, and chemical (NBC) weapons and agents. State the hazards each present to first responders.

(B) State the indicators that would help a first responder recognize when an incident may involve NBC weapons or agents.

(C) Describe the three basic First Responder actions upon discovery of an incident that potentially involves NBC weapons or agents.

(2) Certified curriculum for First Responder Awareness—Nuclear, Biological and Chemical Agents course shall include all of the current course material listed in Section 2540(t).

(3) A First Responder Awareness—Nuclear, Biological and Chemical Agents course certified under these regulations shall be a minimum of four (4) hours in length.

(4) Certified curriculum for First Responder Awareness—Nuclear, Biological and Chemical Agents course shall include the following training exercise:

(A) Participation in a table-top exercise including successful completion of the following objectives:

(i) Recognize the potential presence of a Nuclear, Biological or Chemical agent; and,

(ii) Identify safety precautions to take at the First Responder Awareness Level; and,

(iii) Identify required notifications the First Responder Awareness shall make.

(5) Certification for participants in First Responder Awareness—Nuclear, Biological and Chemical Agents course shall include successful completion of a certified course as referenced in section 2520(y) as delivered by a CSTI certified instructor as referenced in section 2530. Student shall meet a minimum attendance of four (4) hours, and accomplish all objectives and participate in the required exercise.

(z) Hazardous Materials Emergency Response – First Responder Operations—Nuclear, Biological and Chemical Agents.

(1) Certified curriculum for First Responder Operations—Nuclear, Biological and Chemical Agents course shall include all of the following course objectives:

(A) Cite and describe the general types of Nuclear, Biological, and Chemical (NBC) weapons and agents. State the hazards each present to first responders. Describe the past use of such agents by terrorists or others.

(B) State the indicators that would help a first responder recognize when an incident may involve NBC weapons or agents.

(C) Describe basic First Responder actions upon discovery of an incident that potentially involves NBC weapons or agents. State basic actions to follow for each general type of NBC agent. Identify sources of assistance and/or information for such incidents.

(2) Certified curriculum for First Responder Operations—Nuclear, Biological and Chemical Agents course shall include all of the current course material listed in Section 2540(t).

(3) A First Responder Operations—Nuclear, Biological and Chemical Agents course certified under these regulations shall be a minimum of six (6) hours in length.

(4) Certified curriculum for First Responder Operations—Nuclear, Biological and Chemical Agents course shall include the following training exercise:

(A) Participation in a table-top exercise including successful completion of the following objectives:

(i) Recognize the potential presence of a Nuclear, Biological or Chemical agent; and,

(ii) Identify response actions, including safety procedures, isolation distances, required notifications and agencies and resources needed; and,

(iii) Conduct safe identification and assessment using the current Emergency Response Guidebook.

(B) At the discretion of the course manager, if the student has not demonstrated all the objectives in (z)(4)(A) above, the course manager may require the student to take a CSTI certified FRO NBC written exam with a passing score of 70%.

(5) Certification for participants in First Responder Operations—Nuclear, Biological and Chemical Agents course shall include successful completion of a certified course as referenced in section 2520(z) as delivered by a CSTI certified instructor as referenced in section 2530. Student shall meet a minimum attendance of six (6) hours, accomplish all objectives and participate in the required exercise, and or complete the CSTI certified FRO NBC exam at or above the 70% standard as referenced in 2520(z)(4)(B).

(aa) Haz Mat Emergency Response – Incident Commander—Nuclear, Biological and Chemical Agents.

(1) Certified curriculum for Incident Commander—Nuclear, Biological and Chemical Agents course shall include all of the following course objectives:

(A) Cite and describe the general types of Nuclear, Biological, and Chemical (NBC) weapons and agents. State the hazards each present to first responders. Describe the past use of such agents by terrorists or others

(B) State the indicators that would help a first responder recognize when an incident may involve NBC weapons or agents.

(C) Describe the similarities and differences between a hazardous materials incident, a mass casualty incident and an incident involving nuclear, biological or chemical (NBC) agents and identify the issues that make an NBC incident different from other emergency response incidents.

(D) Identify the role and responsibilities of an Incident Commander in an incident involving NBC agents.

(E) Cite the federal and state plans that apply to incidents involving NBC agents.

(F) Identify local, state and federal agencies that are most likely to respond to an incident involving NBC agents. State the response times expected for these agencies.

(G) Compare and contrast the Incident Command System and the Federal Bureau of Investigation's NBC response organization. Explain the need and benefits of unified command in an incident involving NBC agents.

(H) Identify at least 5 "Special/Unique" management issues the Incident Commander will address in managing a valid NBC incident.

(2) Certified curriculum for Incident Commander—Nuclear, Biological and Chemical Agents course shall include all of the current course material listed in Section 2450(t).

(3) An Incident Commander—Nuclear, Biological and Chemical Agents course certified under these regulations shall be a minimum of six (6) hours in length.

(4) Certified curriculum for Incident Commander—Nuclear, Biological and Chemical Agents course shall include the following training exercise:

(A) Given a Nuclear, Biological, or Chemical agent incident, students will participate in a table-top exercise including successful completion of the following objectives:

(i) Recognize the potential presence of a Nuclear, Biological or Chemical agent, including the primary hazard of the agent involved; and,

(ii) Identify safety concerns, management issues, preparedness issues and government resources needed; and,

(iii) Identify ICS positions needed to manage the response to an incident involving NBC agents; and,

(iv) Address and resolve at least one “special/unique” management issue given by the instructor.

(B) At the discretion of the course manager, if the student has not demonstrated all the objectives in (aa)(4)(A) above, the course manager may require the student to take a CSTI certified Haz Mat Emergency Response — Incident Commander — Nuclear, Biological and Chemical Agents written exam with a passing score of 70%.

(5) Certification for participants in Incident Commander—Nuclear, Biological and Chemical Agents course shall include successful completion of a certified course as referenced in section 2520(aa) as delivered by a CSTI certified instructor as referenced in section 2530. Student shall meet a minimum attendance of eight (8) hours, accomplish all objectives and participate in the required exercise, and/or complete the CSTI certified Haz Mat Emergency Response — Incident Commander — Nuclear, Biological and Chemical Agents (at or above the 70% standard) as referenced in 2520(aa)(4)(B).

(bb) Hazardous Materials Emergency Response — Clandestine Methamphetamine Laboratory First Responder Awareness

(1) Certified curriculum for Clandestine Methamphetamine Laboratory First Responder Awareness Course shall include all of the following course objectives.

(A) Student shall recognize the general hazards of clandestine methamphetamine laboratories.

(B) Student shall recognize the risks associated with clandestine methamphetamine laboratories and the potential for negative outcomes they present to first responders.

(C) Student shall recognize the risks associated with clandestine methamphetamine laboratories at the Awareness level.

(D) Student shall recognize basic clues or indicators which may include identifying a vehicle, building, room or other location as a possible clandestine methamphetamine laboratory.

(E) Student shall describe first responder actions upon discovering a clandestine methamphetamine laboratory and state procedures to ensure responder safety, isolate the scene and make necessary notifications.

(2) Certified curriculum for Clandestine Methamphetamine Laboratory First Responder Awareness shall be a minimum of 4 hours in length.

(3) Certified curriculum for Clandestine Methamphetamine Laboratory First Responder Awareness shall include a tabletop exercise involving the recognition of a clandestine methamphetamine laboratory.

(4) Certification for participants in the Clandestine Methamphetamine Laboratory First Responder Awareness Course shall include successful completion of the certified course as referenced in section 2520 (aa) as delivered by a CSTI certified instructor as referenced in section 2530. Student shall meet a minimum attendance of 4 hours, accomplish all objectives, and participate in the training exercise.

NOTE: Certification in the Clandestine Methamphetamine Laboratory First Responder Awareness Course is not equivalent to certification in as First Responder Awareness Level as defined in section 2520(a).

(cc) Hazardous Materials Emergency Response — Clandestine Methamphetamine Laboratory First Responder Operations

(1) Certified curriculum for Clandestine Methamphetamine Laboratory First Responder Operations Course shall include all of the following course objectives.

(A) Student shall recognize the general hazards of clandestine methamphetamine laboratories.

(B) Student shall recognize the risks associated with clandestine methamphetamine laboratories and the potential for negative outcomes they present to first responders.

(C) Student shall describe the role of first responders at clandestine methamphetamine laboratories at the Awareness level.

(D) Student shall recognize basic clues or indicators, identify a vehicle, building, room or other location as a possible clandestine methamphetamine laboratory.

(E) Student shall describe first responder actions upon discovering a clandestine methamphetamine laboratory and state procedures to ensure responder safety, isolate the scene and make necessary notifications.

(F) Student shall describe first responder actions upon discovering a clandestine methamphetamine laboratory and state procedures to ensure responder safety, isolate the scene and make necessary notifications.

(G) Student shall identify the purpose and need to safely initiate command and explain the purpose and procedures of scene control; describe the basic implementation of the appropriate site specific Incident Command System (ICS); and, demonstrate proper information flow from the First Responder to the Incident Commander.

(H) Student shall explain the need for, types, selection criteria and limits of protective equipment commonly used in incidents involving clandestine methamphetamine laboratories.

(I) Student shall describe safe defensive action options available to the First Responder and explain the protective action options available.

(J) Student shall identify the need for and describe procedures to implement the appropriate decontamination of victims, emergency response personnel and equipment.

(K) Student shall describe proper disposal and documentation procedures for responses to incidents involving clandestine methamphetamine laboratories.

(L) Student shall identify the need and describe the methods to communicate and coordinate with typical government agencies which respond to incidents involving clandestine methamphetamine laboratories. The student shall cite those agencies and describe their roles, responsibilities and capabilities.

(M) Student shall state the health effects that clandestine methamphetamine laboratories present to the First Responder's life and health.

(2) Certified curriculum for Clandestine Methamphetamine Laboratory First Responder Operations shall be a minimum of 8 hours in length.

(3) Certified curriculum for Clandestine Methamphetamine Laboratory First Responder Operations shall include a tabletop exercise involving the recognition of a clandestine methamphetamine laboratory.

(4) Certified curriculum for Clandestine Methamphetamine Laboratory First Responder Operations Course shall include the following evaluation method:

(A) Completion of a CSTI certified Clandestine Methamphetamine Laboratory First Responder Operations written exam with a minimum passing score of 70% correct.

(5) Certification for participants in the Clandestine Methamphetamine Laboratory First Responder Operations Course shall include successful completion of the certified course as referenced in section 2520 (bb) as delivered by a CSTI certified instructor as referenced in section 2530. Student shall meet a minimum attendance of 8 hours, accomplish all objectives, participate in the training exercise, and complete the evaluation method at the 70% standard as referenced in 2540(e).

NOTE: Certification in the Clandestine Methamphetamine Laboratory First Responder Operations Course is not equivalent to certification in as First Responder Operations Level as defined in section 2520(b).

(dd) Hazardous Materials Emergency Response—Mass Casualty Decontamination:

(1) Certified curriculum for Mass Casualty Decontamination shall include all of the following objectives:

(A) Students will demonstrate an understanding of the cultural diversity that exists in their response areas and how that would relate to a mass decontamination process;

(B) Students shall recognize the need to protect the modesty of the general public when decontamination is required;

(C) Students shall recognize the challenges presented by multiple languages be used at an incident scene;

(D) Students shall demonstrate an understanding of what decontamination problems are presented by the various chemical, biological and radiological agents they may encounter;

(E) Students shall identify the need for appropriate field decontamination of victims, emergency response personnel and equipment in order to avoid additional contamination;

(F) Students shall identify the differences between Emergency and Planned Decontamination and indicate when they should be used in mass decontamination situations;

(G) Students shall identify methods of accessing technical experts and reference sources in determining the need for decontamination;

(H) Students shall become familiar with the various types of equipment that can be purchased or improvised to assist in mass casualty decontamination incidents;

(I) Students shall recognize the problems associated with the transportation of large numbers of victims, and the need to insure adequate decontamination has been performed prior to transport; and

(J) Students shall recognize the needs, operational procedures and limitations of their local hospitals and emergency departments.

(2) Certified curriculum for Mass Casualty Decontamination shall be a minimum of 8 hours in length and include all of the course material listed in Section 2540(t):

(3) Certified curriculum for Mass Casualty Decontamination shall include the following training exercises:

(A) Demonstrate the selection and use of the proper level of chemical protective clothing;

(B) Demonstrate the ability to utilize and set up assorted commercial mass casualty decontamination modesty structures;

(C) Demonstrate the ability to improvise modesty structures at an incident using available vehicles and equipment typically carried on fire apparatus;

(4) Certified curriculum for Mass Casualty Decontamination shall include the following evaluation method:

(A) Completion of the certified Mass Casualty Decontamination Course and participation in the hands on field exercises.

(5) Certification for participants in the Mass Casualty Decontamination Course shall include successful completion of a certified course as referenced by Section 2520(dd), delivered by a CSTI instructor as referenced in Section 2530. Students shall meet a minimum attendance of 8 hours, accomplish all objectives and participate in the field training exercises referenced in Section 2520(dd)

(ee) Hazardous Materials/Weapons Of Mass Destruction, First Responder Operations, Law Enforcement Field Support Course.

(1) Certified curriculum for Hazardous Materials/Weapons of Mass Destruction, First Responder Operations, Law Enforcement Field Support Course shall include all of the following course objectives:

(A) A fundamental understanding of federal, state, and local emergency response and management principles associated with a Weapons of Mass Destruction (WMD) incident or hazardous materials (Haz Mat) release;

(B) An understanding of fundamental terms and definitions associated with WMD and Haz Mat;

(C) An understanding of the nature of WMD and Haz Mat including the risks and potential negative outcomes associated with their release;

(D) An understanding of potential roles and responsibilities of law enforcement personnel who are trained at a First Responder Operations Level to support a coordinated public safety response to a WMD incident or Haz Mat release;

(E) An understanding of the issues associated with deploying a Mobile Field Force within the control zones of a WMD incident or Haz Mat release;

(F) Knowledge of devices and hazardous substances terrorists are likely to employ to create a WMD incident;

(G) The ability to recognize, identify, and assess the signs, symptoms, characteristics, and indicators that a WMD or a Haz Mat is present or has been released;

(H) An understanding of the adverse effects on persons associated with a WMD incident or Haz Mat release;

(I) A basic understanding of pertinent laws and regulations associated with Haz Mat training, emergency response, with an emphasis on Level C chemical protective clothing (as defined in subsection (ee)(3)(A)1.-6.) and respiratory protection requirements;

(J) An understanding of selection criteria, limitations, and capabilities of chemical protective clothing with an emphasis on Level C;

(K) An understanding of the medical considerations associated with utilizing chemical protective clothing;

(L) The ability to correctly don and doff a Level C chemical protective clothing ensemble;

(M) The ability to effectively perform law enforcement-related manipulative tasks while wearing a level C chemical protective clothing ensemble;

(N) The ability to use the current U.S. Department of Transportation (DOT) Emergency Response Guidebook (ERG) to identify hazards and establish initial isolation and evacuation distances;

(O) The ability to recognize the need for additional specialized resources and to initiate the appropriate notifications;

(P) An awareness of basic containment, control, and rescue techniques employed by responders to a WMD incident or Haz Mat release;

(Q) An understanding of the concept of "risk versus gain" with respect to life safety decisions;

(R) An understanding of emergency and planned decontamination concepts and methods;

(S) An awareness of the need for appropriate incident documentation;

(T) An awareness of Haz Mat disposal issues (e.g., scene clean-up and remediation); and

(U) An understanding of the roles, responsibilities, coordination and capabilities of Haz Mat incident response agencies.

(2) Certified curriculum for Hazardous Materials/Weapons of Mass Destruction, First Responder Operations, Law Enforcement Field Support Course shall be a minimum of 16 hours in length and shall include all course materials listed in Section 2540(t).

(3) Certified curriculum for Hazardous Materials/Weapons of Mass Destruction, First Responder Operations, Law Enforcement Field Support Course shall include the following training activities and exercises:

(A) Students shall be required to correctly don and doff a Level C chemical protective clothing ensemble according to a checklist provided by the presenter. All students shall be medically monitored prior to, and immediately following the wearing of chemical protective clothing. Monitoring shall be accomplished by recording vital signs (i.e., blood pressure, respirations, pulse rate, and temperature) every time training in chemical protective clothing occurs. A follow-up set of vital signs shall be acquired and recorded after performing tasks in chemical protective clothing. The ensemble shall minimally consist of the following:

1. Chemical protective garment
2. Air Purifying Respirator (APR)
3. Over-boots
4. Inner Gloves
5. Outer Gloves
6. Chemical Tape

(B) While wearing a Level C chemical protective clothing ensemble and a standard law enforcement utility belt, students shall be required to perform a series of law enforcement-related manipulative tasks that may include, but are not necessarily limited to the following:

1. Searching persons
2. Suspect control and handcuffing
3. Drawing, handling, and re-holstering firearms
4. Use of Impact Weapons
5. Use of hand and arm signals
6. Use of communications devices
7. Writing
8. Individual and team movement
9. Crowd control tactics

(C) While wearing a Level C chemical protective clothing (CPC) ensemble, the student shall cycle through a planned decontamination process.

1. It is recommended that this activity involve an actual wet decontamination line to permit students to experience a realistic example of a mass decontamination process and to evaluate the efficacy of their chemical protective clothing.

(D) Given a current edition of the U.S. Department of Transportation (DOT) Emergency Response Guidebook (ERG) and criteria provided by the presenter regarding a mock event, the student shall use the ERG to identify anticipated hazards and determine initial isolation and protective action distances.

(E) Given a tabletop exercise and supporting references provided by the presenter, students shall participate individually or in groups in order to demonstrate their understanding of the following:

1. Proper personal safety considerations
2. Minimum isolation distances
3. Notification requirements
4. Information available from the ERG
5. Appropriate protective actions, if required (e.g., evacuations, in-place protection, etc.)
6. Briefing the appropriate authorities regarding on-scene actions and conditions

(F) Given a field scenario involving the simulated release of a WMD agent or hazardous material, students shall be required to perform a series of law enforcement-related tasks, as dictated by the incident, which may include any of the following:

1. Pre-response planning
2. Correctly donning a Level C CPC ensemble
3. Responding to the incident scene as part of a Mobile Field Force Team
4. Providing security for the decontamination process and other first responders at the scene
5. Assisting the movement of incapacitated persons from an emergency decontamination area to the planned decontamination area
6. Providing for officer safety and weapon security
7. Operating as a member of a designated arrest team
8. Cycling through a planned decontamination line
9. Correctly doffing the CPC
10. Post-response debriefing and critique

(G) Students shall participate in exercises and activities involving:

1. Completing an activity involving the use of the current Department of Transportation Emergency Response Guidebook
2. Respond to a simulated WMD/Haz Mat incident and perform a variety of law enforcement functions, to include decontamination, while in Level C chemical protective clothing ensemble and tactical equipment
3. Don and doff Level C chemical protective clothing ensembles and performing basic law enforcement functions and tasks in response to a simulated WMD incident

(4) Certification for participants in the Hazardous Materials/Weapons of Mass Destruction, First Responder Operations, Law Enforcement Field Support Course shall include successful completion of a certified course as referenced in section 2520(ee) as delivered by a CSTI certified instructor (as referenced in section 2530). Student shall meet a minimum attendance of 16 hours, accomplish all objectives, participate in training exercises and complete the evaluation method at the 70% standard as referenced in section 2520(ee).

(ff) Hazardous Materials, Weapons of Mass Destruction Terrorism for the Technician/ Specialist Course

(1) Course Prerequisite: This course is directed to the Hazardous Materials Technician and Specialist Levels. Students must provide evidence of current certification to the Hazardous Materials Technician or Specialist Level as defined by Title 8 CCR 5192(q)(6)(C) or (D) prior to enrollment.

(2) Certified curriculum for Hazardous Materials, Weapons of Mass Destruction Terrorism for the Technician/ Specialist Course include all of the following course objectives. The terminal objectives for the Hazardous Materials, Weapons of Mass Destruction, Terrorism for the Technician/ Specialist Course are to provide students with:

(A) A knowledge of Terrorism, its definition and how it applies to Hazardous Materials Emergency Response;

(B) A knowledge of past terrorism events and lessons learned from those events;

(C) A knowledge of devices and hazardous substances terrorists are likely to employ to create a WMD incident;

(D) A knowledge of Chemical weapons, their health effects, antidotes and treatment;

(E) A knowledge of the sources and composition of Chemical weapons to include; military, Industrial and homebrew;

(F) A knowledge of Biological weapons, their health effects, vaccinations, antidotes, treatment, and mortality;

(G) A knowledge of Biological weapons, their persistence and contagiousness;

(H) A knowledge of the sources and composition of Biological weapons to include; military, Industrial and homebrew;

(I) A knowledge of Nuclear weapons and their health effects;

(J) A knowledge of the sources and composition of Nuclear weapons to include; military and improvised;

(K) A knowledge of Radiation Dispersal weapons, their health effects and treatment;

(L) A knowledge of the sources and composition of Radiation Dispersal weapons to include; military, Industrial and homebrew;

(M) A knowledge of the types of radiation, its health effects and protective actions;

(N) A knowledge of the sources radioactive materials to include facilities, transportation and packaging;

(O) A knowledge of the sources and composition of Explosives to include; military industrial and homebrew;

(P) A knowledge of the types of explosive devices to include dispersal devices;

(Q) A knowledge of the types of secondary explosive devices and suicide bomber devices;

(R) A knowledge of atmospheric monitoring equipment and its application to WMD including its limitations, and method of use;

(S) A knowledge of chemical and biological detection systems;

(T) A knowledge of the detection systems using color change technology to include test papers, badges, the military 256 kit and smart cards;

(U) A knowledge of the available qualitative analysis systems including Gamma Mass Spectrometry, Mass Spectrometry, Infrared and Field Microscopy;

(V) A knowledge of the available systems for field identification of chemical unknowns and their application for WMD;

(W) A knowledge of sampling protocols and methods as they apply to WMD;

(X) A knowledge of evidence collection and preservation as applied to WMD;

(Y) A knowledge of Chemical Protective Clothing Standards and how they apply to WMD;

(Z) A knowledge of Respiratory Protection Standards as they apply to WMD;

(AA) A knowledge of respiratory protection equipment including APR's, SCBA's Umbilical Air, Powered Air Purifying Respirators and Medical PAPR hoods;

(BB) A knowledge of Decontamination systems and procedures as they apply to WMD;

(CC) A knowledge of printed and electronic technical reference sources as applied to WMD;

(DD) An understanding of casualty management as it applies to a WMD incident, including Triage, Antidotes, Push pack, MMRS Teams and Hospital considerations;

(EE) The ability to recognize, identify, and assess the signs, symptoms, characteristics, and indicators that a WMD or a Haz Mat is present or has been released;

(FF) Knowledge of available special resources, their abilities and how to access them, to include: Weapons of Mass Destruction Civil Support Teams, National Laboratories, MMRSs, and other local resources;

(GG) A knowledge of the State of California FIREScope Standardized Equipment list for Hazardous Materials Response Units for WMD, and understanding of Hazardous Materials Team Typing as established by the State of California, FIREScope Committee;

(HH) An understanding of the Tactical Considerations for the response to a WMD

(II) An understanding of the roles, responsibilities, coordination and capabilities of Haz Mat incident response agencies;

(JJ) An understanding of Rescue Considerations for the response to a WMD;

(3) Required Student Learning Activities

(A) Given a tabletop exercise involving the release of a chemical agent and supporting references provided by the presenter, students will participate individually or in groups in order to demonstrate their understanding of the following:

1. Initial isolation and protective action distances.
2. Proper Chemical Protective Clothing for Entry/Rescue, Decon Teams.
3. Proper Chemical Protective Clothing for Law Enforcement personnel and medical treatment personnel.
4. Proper decontamination methods for responders and victims.
5. Proper antidotes and/or treatment for exposed patients.
6. Proper Atmospheric Monitoring and or detection equipment for use on scene and for downwind monitoring.

(B) Given a tabletop exercise involving the detonation of a Radiation Dispersal Device and supporting references provided by the presenter, students will participate individually or in groups in order to demonstrate their understanding of the following:

1. Initial isolation and protective action distances.
2. Proper Chemical Protective Clothing for Entry/Rescue, Decon Teams.
3. Proper Chemical Protective Clothing for Law Enforcement personnel and medical treatment personnel.
4. Proper decontamination methods for responders and victims.
5. Proper antidotes and/or treatment for exposed patients.
6. Proper Atmospheric Monitoring and or detection equipment for use on scene and for downwind monitoring.

(C) Given Site specific information on a simulated target hazard and criteria provided by the presenter regarding a mock event, the student will identify and or determine the following as the incident builds;

1. Response routes for Emergency responders.
 2. Staging areas.
 3. Number of possible victims.
 4. Location of receiving hospitals.
 5. Location of safe Refuge areas.
 6. Resources required for response to potential event.
 7. Proper Chemical Protective Clothing for Entry/Rescue, Decon Teams.
 8. Proper Chemical Protective Clothing for Law Enforcement personnel and medical treatment personnel.
 9. Proper decontamination methods for responders and victims.
 10. Points of egress for potential victims.
 11. Proper Atmospheric Monitoring and or detection equipment for use on scene and for downwind monitoring.
 12. Likely points of entry for terrorist.
 13. Types of weapons that could be used.
- (D) Atmospheric Monitoring and Field identification

1. Use of WMD specific air monitoring and detection Equipment

2. Use of detection systems using color change technology such as badges, papers, military test kits and smart cards

(4) Certification for participants in the Hazardous Materials, Weapons of Mass Destruction Terrorism for the Technician/Specialist Course shall include all of the following:

(A) Successful completion of the certified course, as referenced in Section 2520(ff);

(B) Successful completion of the certified course as delivered by a CSTI certified instructor (as referenced in section 2530(o), and;

(C) Shall include all of the current course material listed in Section 2540(t), and;

(D) Attend a minimum of 16 hours of training.

(E) Complete a 25 Question written exam with at least a 70% correct score.

(gg) Hazardous Materials/Weapons of Mass Destruction Emergency Response, First Receiver Awareness and Decontamination for Healthcare

(1) Certified curriculum for Hazardous Materials/Weapons of Mass Destruction Emergency Response, First Receiver Awareness and Decontamination for Healthcare shall include all of the following course objectives:

(A) Student shall define the term "hazardous materials", identify how hazardous materials can harm people, the environment and property; and the role of the First Receiver at the Awareness level in a Healthcare setting using the criteria for the First Responder, Awareness level as set forth in Title 8 California Code of Regulations Section 5192(q)(6)(A).

(B) Student shall recognize a Haz Mat incident through basic clues, warning signs, placards, labels, shipping papers and material safety data sheets: understand need for a positive safety attitude: and describe a safe approach to a Haz Mat incident.

(C) Student shall describe first responder awareness actions, with an understanding of the need for safety, isolation and making required notifications in a hazardous materials incident

(D) Student shall describe the procedure for initiating Directed Self Decontamination for ambulatory victims.

(2) Certified curriculum for Hazardous Materials/Weapons of Mass Destruction Emergency Response, First Receiver Awareness and Decontamination for Healthcare shall be a minimum of 4 hours in length and shall include all of the course material listed in Section 2540 (t).

(3) Certified curriculum for Hazardous Materials/ Weapons of Mass Destruction, First Receiver Awareness and Decontamination for Healthcare shall include the following training exercise:

(A) Demonstration of Directed Self Decontamination

(4) Certified curriculum for Hazardous Materials/Weapons of Mass Destruction Emergency Response, First Receiver Awareness and Decontamination for Healthcare shall include the following evaluation method:

(A) Completion of a CSTI certified Hazardous Materials/ Weapons of Mass Destruction, First Receiver Awareness and Decontamination for Healthcare written exam with a minimum passing score of 70% correct.

(5) Certification for participants in the Hazardous Materials/Weapons of Mass Destruction Emergency Response, First Receiver Awareness and Decontamination for Healthcare Course shall include successful completion of a certified course as referenced by Section 2520(gg) as delivered by a CSTI certified instructor as referenced in Section 2530(p). Student shall meet a minimum attendance of 4 hours, accomplish all objectives, participate in the training exercise and complete the evaluation method at the 70% standard as referenced in Section 2540(e)

NOTE: Authority cited: Section 8574.20(a), Government Code. Reference: Section 8574.20(b), Government Code.

HISTORY

1. New section filed 7-8-91; operative 8-7-91 (Register 91, No 46).
2. Amendment filed 5-12-94; operative 6-13-94 (Register 94, No. 19).
3. Editorial correction (Register 96, No. 52).
4. Amendment of section and NOTE filed 12-23-96; operative 1-22-97 (Register 96, No. 52).

5. Amendment filed 10-15-98; operative 11-14-98 (Register 98, No. 42).
6. New subsections (y)-(z)(5) filed 2-8-2000; operative 3-9-2000 (Register 2000, No. 6).
7. Amendment of section and NOTE filed 4-25-2003; operative 5-25-2003 (Register 2003, No. 17).
8. Editorial correction of placement of subsections (n)(1)(EE)(i)-(x) (Register 2003, No. 23).
9. Amendment filed 12-18-2007; operative 1-17-2008 (Register 2007, No. 51).

§ 2530. Instructor Certification Requirements.

(a) To become a California State Certified Hazardous Materials Instructor for Haz Mat First Responder Awareness/Operations, Haz Mat Incident Commander, Haz Mat Executive Management, Haz Mat Investigations, Haz Mat Environmental Monitoring, or Haz Mat Incidents at Ports, or Haz Mat Emergency Response Incident Commander—Nuclear, Biological and Chemical Agents and Haz Mat Emergency Response First Responder Operations—Nuclear, Biological and Chemical Agents courses, the applicant shall complete all of the following requirements:

(1) Submission of CSTI Application Form, as referenced in Section 2550(a)(11), to the Office of Emergency Services, California Specialized Training Institute; and

(2) Agreement to adhere to the policies, procedures and administrative requirements for delivering, documenting, and certifying the California Hazardous Substances Incident Response Training and Education Program as contained in title 2 of the California Government Code, division 1, chapter 7, sections 8574.19–8574.21 and title 19 of the California Code of Regulations, chapter 1, subchapter 2, sections 2510–2560; and

(3) Successful completion of the certified course(s), as referenced in section 2520(a)–(g) or (y)–(aa) in which the applicant is seeking instructor certification or take a 8 hour CSTI “specialized” train the trainer condensed course on courses listed under section 2520; and

(4) Submission of a resume and supporting documentation describing a minimum of 2 years work experience in hazardous materials response, training, production, investigations, monitoring, or research, or a combination of any six, at the level in which the applicant is seeking instructor certification, as referenced in section 2520(a)–(g) or (y)–(z); and

(5) Successful completion of either (A) or (B):

(A) Hazardous Materials Instructor Certification Course as referenced in section 2520(h); or

(B) Hazardous Materials Instructor Certification For Trainers Course as referenced in section 2520(i); and

(i) California State Fire Marshal Instructor IA and IB Course; or

(ii) University of California or California State University Techniques of Teaching Course; or

(iii) Four semester units of upper division credit in educational materials, methods, or curriculum development from an accredited college, university, community college, or institute; or

(iv) Instructor Certification Course or Teaching Credential from an accredited college, university, community college, or training institute; or

(v) Instructor Certification Course from a nonprofit organization or public agency.

(vi) A letter from the applicant’s immediate supervisor or training officer verifying the applicant’s competence as a hazardous materials trainer as per 29 CFR 1910.120 Appendix E (revised September 21, 1994).

(b) To become a California State Certified Hazardous Materials Technician/Specialist 1B, 1C, 1D, 1F, 1G, Hazardous Waste General Site Worker or Hazardous Materials Emergency Response Technician—Private Industry Instructor, the applicant shall complete all of the following requirements:

(1) Submission of CSTI Application Form, as referenced in Section 2550(a)(11), to the Office of Emergency Services, California Specialized Training Institute; and

(2) Agreement to adhere to the policies, procedures and administrative requirements for delivering, documenting, and certifying the California Hazardous Substances Incident Response Training and Education Program as contained in Title 2 of the California Government Code, Division 1, Chapter 7, Sections 8574.19–8574.21 and Title 19 of the California

Code of Regulations, Chapter 1, Subchapter 2, Sections 2510–2560; and

(3) Successful completion of the certified course(s), as referenced in Section 2520(k)–(q), (s) and (t) in which the applicant is seeking instructor certification; and

(4) Submission of a resume and supporting documentation, including written verification from applicant’s department head or designee, describing a minimum of 80 hours of teaching experience and a minimum of 3 years work experience in hazardous materials response, training, production, research, investigations or monitoring, or a combination of any six, relating to the subject area in which the applicant is seeking instructor certification, as referenced in Section 2520(k)–(q), (s) and (t). (To become certified to instruct the Hazardous Waste General Site Worker Course, an applicant’s 3 years of work experience must be in the field of hazardous waste operations.); and

(5) Successful completion of either one of the following:

(A) Hazardous Materials Instructor Certification Course as referenced in Section 2520(h); or

(B) Hazardous Materials Instructor Certification For Trainers Course as referenced in Section 2520(i); and,

(c) To become a California State Certified Hazardous Materials Technician/Specialist 1A Instructor, the applicant shall complete all of the following requirements:

(1) All of the requirements specified in Section 2530(b); and

(2) Submission of a photocopy, employer verification or valid supporting documentation for the following:

(A) Bachelor of Science, or Masters of Science or doctoral degree in a physical or life science that included at least two upper division semester (or equivalent quarters) courses in chemistry; or

(B) Two upper division semester (or equivalent quarters) courses in college chemistry with a passing grade of “C” or better; and,

(C) Submission of a resume and supporting documentation, including written verification from applicant’s department head or designee, describing a minimum of 80 hours of teaching experience and a minimum of three years of work experience in chemistry training, chemical production or chemical research, or a combination thereof.

(d) To become a California State Certified Hazardous Materials First Responder Operations – Decontamination Instructor, the applicant shall complete all of the following requirements:

(1) All of the requirements specified in Section 2530 (a); and

(2) Complete the Hazardous Materials Emergency Response First Responder Operations Level course, as specified in Section 2520(b); and

(3) Complete the Hazardous Materials Emergency Response First Responder Operations – Decontamination Course Course, as specified in Section 2520 (x).

(e) To become certified to teach a Hazardous Materials Refresher Course, the applicant shall complete all of the following requirements:

(1) To instruct refresher classes based on the courses specified in Section 2530 (a), the applicant shall complete;

(A) All of the requirements specified in Section 2530 (a);

(2) To instruct refresher classes based on the courses specified in Section 2530 (b), the applicant shall complete;

(A) All of the requirements specified in Section 2530 (b);

(3) To instruct refresher classes based on the courses specified in Section 2530 (c), the applicant shall complete;

(A) All of the requirements specified in Section 2530 (c).

(f) To become a California State Certified Hazardous Materials Emergency Medical Response to Hazardous Materials Incidents: A Guide for First Responders Instructor, the applicant shall complete the following requirements:

(1) All of the requirements specified in Section 2530 (a); and

(2) Complete the Hazardous Materials Emergency Medical Response to Hazardous Materials Incidents: A Guide for First Responders course, as specified in Section 2520 (v).

(3) If applicant will be the sole instructor: Submission of a photocopy, employer verification or valid supporting documentation for the following:

(A) Current certification as an EMT-P, at least two years of response experience as an EMT-P, or previously certified EMT-P with at least five (5) years field experience as an EMT-P, completion of First Responder Operations Level training and completion of the First Responder Operations – Decontamination Course as specified in Section 2520 (b) and (x); or

(B) Current certification as an EMT-II, at least two years of response experience as an EMT-II and certification as a Hazardous Materials Technician as specified in Section 2540 (o); or

(C) Current certification as an EMT-I, at least two years of response experience as an EMT-I, at least a Bachelor of Science degree in health sciences and certification as a Hazardous Materials Technician or Specialist as specified in Section 2540 (o);

(5) If applicant will not be the sole instructor: Submission of a photocopy, employer verification or valid supporting documentation for the following: (Applicants certified under this paragraph shall not instruct the sections of the class involving paragraphs (1)(H)–(J) of Section 2520 (v)).

(A) Completion of First Responder Operational Level training as specified in Section 2520 (b) and at least two years of experience in emergency response.

(g) To become a California State Certified Hazardous Materials/Weapons of Mass Destruction Emergency Response, First Receiver Operations and Decontamination for Health Care Instructor, the applicant shall complete the following requirements:

(1) All of the requirements specified in Section 2530 (a); and

(2) Complete the Hazardous Materials/Weapons of Mass Destruction Emergency Response, First Receiver Operations and Decontamination for Health Care course, as specified in Section 2520 (w); and be certified as a Hazardous Materials Technician or have three years experience in a Health and Safety position in a Healthcare environment, or equivalent, or be currently licensed as a Registered Nurse, Physician Assistant, or Medical Doctor certified to the First Responder Operations/Decontamination level as specified in Section 2520(b) and 2520 (x).

(h) To become a California State Certified Hazardous Materials Investigations Instructor, the applicant shall complete the following requirements:

(1) All of the requirements specified in Section 2530 (a); and

(2) Complete the Hazardous Materials Investigations course, as specified in Section 2520 (e); and

(3) Provide evidence of current membership (or membership within the last five years) in an Environmental Crimes Investigations Task Force or Unit, and two years of work experience in environmental crimes investigations; and

(4) Provide evidence of specialized expertise in law enforcement and/or fire operations, environmental health and/or crimes investigations, or criminal justice system procedures and protocols.

(i) To become a California State Certified Hazardous Materials Emergency Response Advanced Environmental Crimes Instructor, the applicant shall complete the following requirements:

(1) All of the requirements specified in Section 2530 (a) and (g); and

(2) Complete the Hazardous Materials Emergency Response – Principles of Environmental Crimes Investigations course, as specified in Section 2520 (e); and

(3) Complete the Hazardous Materials Emergency Response – Advanced Environmental Crimes Investigations course, as specified in Section 2520(u); and

(4) Provide evidence of current membership (or membership within the last five years) in an Environmental Crimes Investigations Task Force or Unit, and;

(5) Provide evidence of four years of work experience in environmental crimes investigations.

(j) To become a California State Certified Hazardous Materials Clandestine Methamphetamine Laboratory First Responder Awareness Course Instructor, the applicant shall complete the following requirements:

(1) All of the requirements specified in Section 2530(a); and

(2) Complete the First Responder Awareness Course, as specified in Section 2520 (a); and

(3) Complete the Clandestine Methamphetamine Laboratory First Responder Awareness Course, as specified in Section 2520(aa); and

(4) Provide evidence of specialized expertise in the chemical and physical hazards associated with the clandestine production of methamphetamine.

(k) To become a California State Certified Hazardous Materials Clandestine Methamphetamine Laboratory First Responder Operations Course Instructor, the applicant shall complete the following requirements:

(1) All of the requirements specified in Section 2530 (a); and

(2) Complete the First Responder Operations Course, as specified in Section 2520 (b); and

(3) Complete the Clandestine Methamphetamine Laboratory First Responder Operations Course, as specified in Section 2520 (bb); and

(4) Provide evidence of specialized expertise in the chemical and physical hazards associated with the clandestine production of methamphetamine.

(l) To become a California State Certified Hazardous Materials/Weapons of Mass Destruction, First Responder Operations, Law Enforcement Field Support Course Instructor, the applicant shall complete the following requirements:

(1) All of the requirements specified in Sections 2530 (a) and,

(2) Complete the Hazardous Materials/Weapons of Mass Destruction, First Responder Operations, Law Enforcement Field Support course, as specified in Section 2520 (ee) and,

(3) Hold credentials as a sworn law enforcement officer and/or hold current certification in one of the following:

(A) Hazardous Materials Technician (as defined in Title 19 CCR 2540 (o), or

(B) Hazardous Materials First Responder Operations (as defined in Title 19 CCR 2520 (b)).

(4) Certified Instructors who teach the following course curriculum must be a sworn law enforcement officer:

(A) Title 19 section 2520 (ee)(M): and/or

(B) Title 19 section 2520 (ee)(3)(B) and (F)

(m) To become a California State Certified “Hazardous Materials – Mass Casualty Decontamination Instructor”, the applicant shall complete the following requirements:

(1) All of the requirements specified in section 2530 (a); and

(2) Hold current certification as a Hazardous Materials Technician or Specialist, as defined by section 2540 (o).

(n) To become a California State Certified Hazardous Materials Weapons of Mass Destruction Assistant Safety Officer Instructor, the applicant shall complete all of the following requirements:

(1) Complete all the requirements of Title 19 CCR 2530(a)(1) and (2); and,

(2) Complete the certified course, as referenced in Section 2520(r); and,

(3) Hold certification to the Hazardous Materials Specialist level (as defined by Title 19 CCR 2540(o) and as a Certified CSTI Outreach Instructor in Hazardous Materials Specialist as defined in Section 2530 (b); and,

(4) Provide a resume and supporting documentation, including written verification from applicant’s department head or designee, describing a minimum of 80 hours of teaching experience and a minimum of 3 years work experience on a hazardous materials response team.

(o) To become a California State Certified Hazardous Materials Weapons of Mass Destruction Terrorism for the Technician/ Specialist Course, the applicant shall complete all of the following requirements:

(1) Complete all the requirements of 19 CCR 2530(a)(1) and (2); and,
(2) Successful completion of the certified course, as referenced in Section 2520 (ff); and,

(3) Hold certification to the Hazardous Materials Technician or Specialist level (as defined by Title 19 CCR 2540(o) and as a Certified CSTI Outreach Instructor in Hazardous Materials Technician or Specialist as defined in Section 2530(b); and,

(4) Submission of a resume and supporting documentation, including written verification from applicant's department head or designee, describing a minimum of 80 hours of teaching experience and a minimum of 3 years work experience on a hazardous materials response team.

(p) To become a California State Certified Hazardous Materials Emergency Response, First Receiver Awareness and Decontamination for Health Care Instructor, the applicant shall complete the following requirements:

(1) All of the requirements specified in Section 2530(a); and

(2) Complete the Hazardous Materials Emergency Response, First Receiver Awareness and Decontamination for Health Care course, as specified in Section 2520(gg); and be certified as a Hazardous Materials Technician/Specialist or have a minimum of 3 years experience in a Health and Safety position in a Health Care environment, or equivalent, or be currently licensed as a Registered Nurse, Physician Assistant, or Medical Doctor certified to the level of First Receiver Operations and Decontamination for Health Care level as specified in Section 2520(w).

(q) Reserved for future use.

NOTE: Authority cited: Section 8574.20(a), Government Code. Reference: Section 8574.20(b), Government Code.

HISTORY

1. New section filed 7-8-91; operative 8-7-91 (Register 91, No. 46).
2. Amendment of subsections (a)-(a)(2), (4) and (5)(B)(iv) and new subsections (a)(5)(B)(v)-(c)(2)(B) filed 5-12-94; operative 6-13-94 (Register 94, No. 19).
3. Amendment of section and NOTE filed 12-23-96; operative 1-22-97 (Register 96, No. 52).
4. Amendment filed 10-15-98; operative 11-14-98 (Register 98, No. 42).
5. Amendment of subsections (a) and (a)(3)-(4) filed 2-8-2000; operative 3-9-2000 (Register 2000, No. 6).
6. Amendment of section and NOTE filed 4-25-2003; operative 5-25-2003 (Register 2003, No. 17).
7. Amendment of subsections (g) and (g)(2) and new subsections (l)-(l)(4)(B) and (n)-(q) filed 12-18-2007; operative 1-17-2008 (Register 2007, No. 51).

§ 2540. Administrative Procedures.

(a) Course Manager.

(1) A Course Manager is a California Certified Hazardous Materials Instructor responsible for monitoring, coordinating, and teaching at least 20% of the certified course, as referenced in section 2520.

(2) A Course Manager shall ensure that all instructors (both State certified and noncertified) that teach in a certified course adhere to all requirements designated in Sections 2520 and 2540 as specified for the course being taught.

(3) A Course Manager is responsible for completing, signing, and submitting all required administrative forms as designated in section 2540(c).

(4) A Course Manager is responsible for requesting, signing, paying for and distributing course certificates to students who successfully complete the course as designated in section 2520.

(b) Noncertified Instructors.

(1) A Noncertified Instructor is any instructor who has not received State Certification as referenced in section 2530.

(2) Noncertified Instructors are permitted to teach in certified courses, as referenced in section 2520, only under the supervision of a Course Manager.

(3) *Noncertified Instructors*, who teach in certified courses, are required to adhere to all requirements designated in Sections 2520 and 2540 for the course being taught.

(c) Course Notification and Certification

(1) All Course Managers who request State certification for any of the courses referenced in section 2520 shall complete and submit a Training Course Notification Form (HM 100), as designated in section 2550, to the California Specialized Training Institute Hazardous Materials Section no later than six weeks prior to the start of the course in which certification is being requested. If there are any changes in class location, date or time, the Course Manager is required to submit those changes to the CSTI Hazardous Materials Section within 48 hours that the change or changes were made. If any of the changes described above occur within 48 hours of the course's start time, then the Course Manager is required to notify the CSTI Hazardous Materials Section immediately by telephone.

(2) Course Managers are not permitted to request State certification for Haz Mat Specialist (1F) or (1G) courses, as referenced in Section 2520(p)-(q), until a Field Training Facility for use in said courses has been inspected, approved, and certified according to the procedures established in Section 2560(b).

(3) All Course Managers who request State certification for any of the courses referenced in section 2520 shall complete, sign and submit all of the following administrative forms, as designated in section 2550, to the California Specialized Training Institute Hazardous Materials section no later than six weeks following the last day of the course in which certification is being requested:

(A) Course Roster Form (HM 150);

(B) Student Course Evaluation Forms (HM 140), one per student; and

(C) Class Schedule Form (HM 130).

(4) Completion of the Course Manager Course Evaluation Form (HM 160) is optional.

(5) When a Course Manager completes, signs, and submits the required administrative forms designated in section 2540, he or she is certifying that he/she taught the course according to all of the requirements designated in Sections 2520, 2530 and 2540 for the course being certified and that he/she used the current course curriculum specified in Section 2540(i).

(6) All courses shall be completed, including submission of all forms as designated in Section 2540(c)(3) and payment of all certificate fees and course material costs, to the California Specialized Training Institute within one year of course start date or the course will be considered null and void, unless said course has been granted an extension by the Chief of the Hazardous Materials Section per Section 2540(j)(2). Null and void courses are not eligible for certification.

(d) Certified Course Curriculum

(1) Course Managers shall not delete any material from a certified curriculum as referenced in section 2520.

(2) This section does not prohibit Course Managers from adding material which exceeds the minimum requirements established for course curriculum in Section 2520 under the condition that said additions do not contradict established State standards and recognized procedures pursuant to this code.

(3) Course Managers shall ensure that all students receive a copy of the appropriate student notebook, as referenced in Section 2520 and 2540(t), for students to retain for the duration of the class.

(4) Course Managers shall ensure that certified classes include all of the requirements specified in the applicable portion of Section 2520.

(5) Course Managers will ensure that courses requiring hands-on or practical application of skills, have sufficient supplies and equipment. Sufficient supplies means that there are enough tools, monitors, suits and other items to allow each student to meet the performance objectives within the course timeframe.

(A) Course Managers will ensure that there is sufficient equipment present at any given class to meet the student to equipment ratio required by the objectives found in section 2520.

(B) Student to Instructor/Equipment/etc. Ratios are used to assure students receive an adequate level of experiential learning. Course Managers may use break-outs or sectional training to reduce the required num-

bers of equipment (thereby reducing costs without sacrificing instructional quality).

(i) Example: The course: Technician C – Week, requires 1 computer for each 3 students. Given a class of 30 students, ten computers would be required, unless this practical application session were broken into three groups or break-outs. Each group having 10 students and one instructor. One group does air monitoring, one group does technical reference and one group uses the computers. In the case of the computer group, with only 10 students, only 3 computers are needed.

(e) Certified Course Exams

(1) Certified written exams for the courses referenced in section 2520 shall only be developed and revised by the California Specialized Training Institute Hazardous Materials section.

(2) Certified written exams shall only be administered, corrected, and scored by a California State Certified Hazardous Materials Instructor as referenced in section 2530.

(3) No California State Certified Instructor or instructor/staff working with a Certified Instructor is permitted to reveal to any student any direct and verbatim answers derived directly from any certified exam prior to or during the administration of said exam.

(4) No California State Certified Instructor or instructor/staff working with a Certified Instructor is permitted to reveal to any student any direct and verbatim questions derived directly from any certified exam prior to the administration of said exam.

(5) All California State Certified Instructors shall use the most current revision of the certified written exam available from the California Specialized Training Institute at the time of administration of said exam.

(6) A student who fails to pass an exam on the first attempt may be permitted to retake the exam once, if either of the following cases occur:

(A) If, in the opinion of the certified instructor who administered the exam, it appears that the student failed the exam because of difficulty with the English language. In such a case, the certified instructor may give the exam orally to the student.

(B) If, in the opinion of the certified instructor who administered the exam, it appears that the student failed the exam because of lack of knowledge of course material, then the instructor may, at his or her discretion, retrain the student. In such a case, a certified instructor is required to administer the most current alternate version of the written exam, which the student has not taken. The alternate version of the exam shall be taken within 30 calendar days from the date that the student's first exam was administered.

(7) Any student who fails to pass an exam twice shall be required to retake the entire course in which the student seeks certification.

(8) Any student found to be cheating by a certified instructor during the administration of a certified exam shall not be permitted to pass the said exam. "Cheating" consists of, but is not limited to, acts by students such as consulting the Student Notebook, notes, Instructor Guide or other reference materials during the administration of a certified exam. Exceptions include item 14 below and the use of wall-mounted "Periodic Table of the Elements" as required in 2520(k)(2).

(9) Any student not permitted to pass a certified exam because of alleged cheating or any student who failed an exam and seeks to contest any exam questions, may appear in person, within 60 days of said exam, before the California Specialized Training Institute Hazardous Materials Section Chief or his/her representative to request to retake an alternative exam. The Hazardous Materials Section Chief or his/her representative shall approve or deny the request based on evidence presented during the said interview with the student and a follow-up interview with the certified instructor(s) involved.

(10) Students are not permitted to retain or copy any certified exam. Course Managers must adequately ensure that all certified exams distributed during administration of said exam are returned and accounted for.

(11) Course Managers are required to retain all student answer sheets on which students marked answers for a minimum of 5 years after date exam was administered. If requested at any time during the five year retention period, the original answer sheets shall be forwarded by the

Course Manager to the California Specialized Training Institute Hazardous Materials Section Chief within 10 days.

(12) The maximum time allowed for students to complete a certified written exam may be specified on said exam. If no time limit is specified, it shall be designated as a maximum of one minute per question (i.e. A 20-question exam shall have a time limit of 20 minutes, unless otherwise specified on said exam). The Course Manager shall inform the students of the specified or designated maximum time limit for said written exam prior to its distribution to students.

(13) All certified course exams, unless otherwise specified on the cover of the exam, shall be a "closed student notebook/workbook" exam.

(14) The use of the current ERG is allowed on the following CSTI certified exams: First Responder Awareness, 2520(a), First Responder Operations, 2520(b) and Incident Commander, 2520 (c).

(f) Quality Control/Audit Process

(1) Any course taught by a California State Certified Hazardous Materials Instructor, in which he or she has requested to receive State certification, is subject to unannounced field audits conducted by a faculty member of the California Specialized Training Institute Hazardous Materials Section or any Office of Emergency Services employee or authorized representative designated by the Chief of the California Specialized Training Institute Hazardous Materials Section. Field audits may consist of any of the following:

(A) Routine audits designed to determine if instructors are meeting the requirements established in Sections 2520 and 2540 for the course in which certification is being requested.

(B) Special audits investigating complaints of an instructor's misconduct or unprofessional conduct.

(C) Follow-up audits designed to ensure an instructor's compliance with required course changes and corrections of identified deficiencies.

(2) Any course taught by a California State Certified Hazardous Materials Instructor, in which he or she has requested to receive State certification, is subject to mail or telephone audits conducted by a faculty member of the California Specialized Training Institute Hazardous Materials Section or any Office of Emergency Services employee or authorized representative designated by the Chief of the California Specialized Training Institute Hazardous Materials Section. Mail and telephone audits may consist of any of the following:

(A) Survey of student reactions/evaluations of presentations by an instructor(s) and course content of any certified course.

(B) Required submission to the California Specialized Training Institute of all instructors' lesson plans/guides, student notebooks, handouts, and any other written materials used in any certified course.

(3) The auditor shall complete a Course Audit Report (HM 180), as designated in section 2550, for each course audited and provide the California Specialized Training Institute Hazardous Materials Section Chief with a copy of said report for approval within 10 working days following completion of the audit. Upon receiving approval from the Section Chief, the Course Audit Report shall be forwarded to the Course Manager and/or Instructor within 10 working days of approval.

(4) If any deficiencies were identified in the audit, the auditor shall provide a written summary of deficiencies and recommendations for correcting the identified deficiencies to the California Specialized Training Institute Hazardous Materials Section Chief for approval within 10 working days following completion of the audit. Upon receiving approval from the Section Chief, the written summary of deficiencies and recommendations for correcting the identified deficiencies shall be forwarded to the Course Manager and/or Instructor within 10 working days of approval.

(A) If the deficiencies are major or willful violations of these regulations and the CSTI Hazardous Materials Section Chief determines that they cannot reasonably be rectified through remedial training, then he/she shall immediately recommend decertification of the instructor as specified in Section 2540(g)(4) of these regulations. Major violations include, but are not limited to, the following:

(i) Failure to teach a class as specified in the applicable portion of Section 2520.

(ii) Failure to cover all of the course objectives as specified in the applicable portion of Section 2520.

(iii) Failure to teach a class meeting the requirement for minimum hours as specified in the applicable portion of Section 2520.

(iv) Failure to use the curriculum material specified in the applicable portion of Section 2520 and Section 2540(t).

(v) Violation of Section 2540(e)(3)–(5).

(vi) Failure to follow the safety policy as specified in Section 2540(k)(1) and 2540(k)(3)–(5).

(vii) Failure to follow the “Professional Conduct” policy as specified in Section 2540(i).

(viii) Repeated or willful failure to follow administrative procedures as specified in Section 2540 after having been notified in writing of prior failure to follow those administrative procedures.

(5) A Course Manager and/or Instructor, who coordinated and/or taught a course that had been identified as being deficient, shall correct all identified deficiencies prior to coordinating or teaching in another certified course.

(6) Students who have attended a course that had been identified as being deficient shall not be issued certificates until said students have received remedial training in the areas identified as deficient. If the course was identified as being deficient after students have received certificates, the said students shall be notified by CSTI that their certificates are null and void until they receive remedial training in the areas identified as deficient.

(7) A follow-up audit, reported on a form HM 180 as designated in section 2550, shall be conducted by a faculty member of the California Specialized Training Institute Hazardous Materials Section or any Office of Emergency Services employee or consultant designated by the Chief of the California Specialized Training Institute Hazardous Materials Section to ensure that deficiencies have been corrected.

(8) Follow-up audit reports shall be submitted to the California Specialized Training Institute Hazardous Materials Section Chief within 10 working days following completion of the follow-up audit.

(9) The Course Manager is responsible for ensuring that any auditor(s) conducting an audit of said Course Manager’s course, in accordance to the procedures established in Section 2540(f), is permitted free and unhindered access to any course requesting State certification. If the Course Manager fails to provide said auditor(s) with free and unhindered access to said course, then said course may not receive State certification.

(g) Instructor Decertification

(1) A Certified Instructor can be decertified for failure to adhere to the policies, procedures or administrative requirements for delivering, documenting, or certifying a course through the California Hazardous Substances Incident Response Training and Education Program contained in Title 2 of the California Government Code, Division 1, Chapter 7, Sections 8574.19–8574.21 and Title 19 of the California Code of Regulations, Chapter 1, Subchapter 2, Sections 2510–2560.

(2) A Certified Instructor can be decertified for failure to correct all deficiencies identified in an audit as referenced in Section 2540(f).

(3) A Certified Instructor can be decertified for failure to teach a minimum of four hours of instruction in any certified course, or any course using certified curriculum, as referenced in Section 2520, during a calendar year. The calendar year in which an instructor received State Certification is exempt from the four-hour requirement. A Certified Instructor who wants credit for teaching hours only, must ensure that the Course Manager, of the course in which the Certified Instructor taught, includes his/her name and hours to be credited on Class Schedule Form (HM 130) that is submitted to the California Specialized Training Institute. If a Certified Instructor wants to notify CSTI of a course that he/she is teaching and does not want certification for the course, but wants credit for teaching hours only, then the Certified Instructor shall submit a Training Course Notification Form (HM 100) and a Class Schedule Form (HM 130) to CSTI.

(4) The CSTI Hazardous Materials Section Chief shall recommend decertification of an instructor to the Director of CSTI. The final decision to decertify an instructor is determined by the Director of the California Specialized Training Institute within 45 calendar days of the recommendation from the CSTI Hazardous Materials Section Chief.

(5) If the CSTI Hazardous Materials Section Chief recommends decertification of an instructor to the Director of CSTI, then the Section Chief shall, at the same time, cause the instructor being recommended for decertification to be notified by written correspondence outlining the reason(s) for his/her pending decertification. The instructor being recommended for decertification shall be given 30 calendar days (from the date the notification was mailed) to respond in writing to the Director of CSTI for consideration in retaining his/her certification. The Director of CSTI shall review any written correspondence received within the 30-day notification period described above prior to decertifying an instructor.

(6) During the 30-day notification period, designated in Section 2540(g)(5), the instructor pending decertification shall be permitted to appear before the CSTI Hazardous Materials Section Chief and/or the CSTI Hazardous Material Section Instructor Certification Program Coordinator for the purpose of requesting to retain his/her instructor certification. The instructor pending decertification shall be permitted, at the time of appearance, to present any evidence that would assist in a fair and impartial decision regarding the pending decertification. The CSTI Hazardous Materials Section Chief and/or the CSTI Hazardous Material Section Instructor Certification Program Coordinator shall prepare a written summary of the findings of the interview with the instructor pending decertification, including a recommendation to either maintain or withdraw the decertification request, within 10 days following the interview, to the Director of CSTI. The Director of CSTI shall review any written summary of an interview with an instructor pending decertification prepared by the CSTI Hazardous Materials Section Chief and/or the CSTI Hazardous Material Section Instructor Certification Program Coordinator prior to decertifying an instructor.

(7) Any instructor who has been notified that he/she is pending decertification, shall be designated as “under suspension” and shall not be permitted to manage, teach or assist in any course requesting State certification. An instructor suspension period shall not exceed 90 days.

(8) An instructor who has been decertified in accordance with Section 2540(g)(1) or (2) shall not be permitted to manage, assist, or teach in any course requesting State certification.

(h) Instructor Recertification

(1) An instructor who was decertified in accordance with Section 2540(g)(3) can be recertified by either of the following methods:

(A) Successful completion of the Hazardous Materials Instructor Recertification Course as referenced in Section 2520(j); or

(B) Successful recompletion of the Hazardous Materials Instructor Certification for Trainers Course as referenced in Section 2520(i).

(2) An instructor who was decertified in accordance with Section 2540(g)(1) or 2540(g)(2) is not eligible for recertification.

(i) Professional Conduct

(1) All instructors teaching, coordinating, or monitoring a hazardous materials course as referenced in Section 2520 shall adhere to all of the following professional codes of conduct:

(A) Refrain from making sexist, racist, or obscene remarks during a certified course.

(B) Utilize class time for enhancing the learning of students and not for personal motives unrelated to teaching.

(C) Provide complete and accurate information to the Office of Emergency Services when requested to do so pursuant to Sections 2510–2560.

(D) Teach only subjects in which the instructor is qualified based on training and experience.

(E) Provide an honest and accurate representation of instructor’s educational background and work experience to students as it relates to the course of instruction.

(F) Provide an honest and accurate representation of instructor’s employment status and instructor relationship with the State.

(2) Any certified instructor who changes his/her address or phone number shall notify CSTI Hazardous Materials Section of said change within 30 days of change.

(j) Class Size, Duration, and Attendance

(1) For any certified course referenced in Section 2520, the Course Manager shall ensure that the Student-to-Instructor ratio does not exceed 50-to-1 for classroom instruction and 15-to-1 for field/exercise instruction.

(2) No single certified course, as referenced in Section 2520, can be taught over any period exceeding 12 consecutive months without consent from the Chief of the Hazardous Materials Section of the California Specialized Training Institute.

(3) The Course Manager is required to document and verify student attendance on a daily basis. Verification of student attendance is subject to audit. Course Managers should retain such records for a period of not less than five years.

(4) 40 hour class policy. A 40 hour course may be presented in less than 40 hours, however, no less than 36 hours under the following circumstances:

(A) The course coordinator certifies that all practical and learning objectives have been met and completed: and,

(B) The course coordinator certifies that all participants in the course meet the same competency requirements as those taking the full 40 hour course: and,

(C) In situations where a 40 hour class is being presented and the number of students is low or the skill level is very high or other situations as deemed appropriate by the Course Coordinator, the minimum required attendance and certification hours can be changed to as low as 36 hours: and,

(D) The 40 hour duration is not required by any other agency; e.g., the 40 hour Site Worker course cannot be presented in 36 hours due to the OSHA mandate in Title 8 CCR 5192 (e) requiring 40 hours.

(k) Safety Policy

(1) All Course Managers, certified and noncertified instructors who are conducting or participating in any State certified hazardous materials course, as referenced in Section 2520, shall adhere to all of the following safety procedures:

(A) The Course Manager shall provide advanced notice to prospective trainees regarding any anticipated physical demands and/or physical performance expectations; examples include an obstacle course, heavy lifting, and high heat and cold environments and will ensure each student complete and turn in the CSTI Statement of Physical or Medical Qualification Form (HM 280 (rev. 9/04) or HM 280C (rev. 9/06) which are incorporated by reference) to the course manager;

(B) The Course Manager shall provide all instructors participating in their course with a copy, or post a copy at training locations and notify instructors, of this safety policy;

(C) The Course Manager shall ensure that emergency communications (telephone or radio) are accessible at all training locations;

(D) The Course Manager shall ensure for chemical and outdoor practical "hands on" training/exercises that at least one member of the training staff or class, either directly involved in the training event or immediately (within 3 minutes) available at the training location, shall be certified as an EMT-1 or greater. Local EMS may be utilized if they meet response time criteria.

(E) The Course Manager shall ensure that student emergency notification information, including name and phone number of student's emergency contact, be maintained and easily accessible for the duration of training;

(F) The Course Manager shall ensure that all instructors participating in the training event are provided with the location and phone number of the nearest medical facility or are provided communication access to the Emergency Medical System (911). Additionally, this information shall be conspicuously posted at all training sites;

(G) The Course Manager shall be responsible for appointing a Safety Officer from staff or students for chemical and outdoor practical hands-

on exercises and conducting a safety inspection of all training locations prior to student arrival, reasonably ensuring that no unsafe conditions exist;

(H) The Course Manager shall be aware of environmental factors such as weather or air quality prior to any outdoor instruction, and shall adjust instruction as necessary; to insure student safety;

(I) The Course Manager shall verbally review specific safety rules with all students and ensure that specific safety rules are conspicuously posted;

(J) The Course Manager shall advise students of their responsibility to stop and report any unsafe action during training immediately upon discovery;

(K) The Course Manager and all instructors participating in training shall display an attitude of safety and professional demeanor at all times; and

(L) All instructors shall adhere to this safety policy, and all other specific site safety procedures pertaining to equipment, facilities, and manipulative skills as deemed appropriate by the Course Manager.

(2) All students who are participating in any State certified hazardous materials course, as referenced in Section 2520, shall adhere to all of the following safety procedures:

(A) Students shall notify the Course Manager prior to class of any existing medical condition or illness which may create a safety hazard, health risk, be aggravated or affect performance during training;

(B) In training that requires students to wear an encapsulated suit and/or a self-contained breathing apparatus (SCBA) and/or an Air Purifying Respirator (APR) and/or an Powered Air Purifying Respirator (PAPR), students shall submit written documentation: CSTI Statement of Physical or Medical Qualification Form (HM 280 or HM 280C), to the Course Manager prior to class.

(C) All students shall be required to provide evidence of medical or physical fitness for training, if the Course Manager questions their ability to perform safely students may be required to show additional proof of fitness;

(D) Students shall immediately notify a member of the training staff of any injury, however slight, sustained during training;

(E) Students shall be responsible for stopping and reporting any unsafe action during training immediately upon discovery; and

(F) Students shall adhere to this safety policy, and all other specific site safety procedures pertaining to equipment, facilities, and manipulative skills as deemed appropriate by the Course Manager.

(3) All Course Managers, certified and noncertified instructors, and students who are conducting or participating in any State certified hazardous materials course, as referenced in Section 2520, shall adhere to the following Response-To-Injury procedures:

(A) In the event of an injury, the following actions shall be taken:

(i) Obtain appropriate medical assistance. In all cases where a student loses consciousness, an evaluation shall be sought from a medical doctor before the student is allowed to return to training;

(ii) Render first aid as necessary by the designated EMT-I, EMT-P, staff members, students trained in first aid, or local EMS System

(iii) Immediate notification (24 hours) by the Course Manager to the CSTI Hazardous Materials Section Chief, using the CSTI Injury and Accident Form (HM 290 (rev. 3/04) incorporated by reference), shall be made if any serious/major injury, life-threatening injury or illness, or death is sustained by a student or instructor during training;

(iv) Notification of lesser injuries not requiring treatment beyond first aid (e.g., minor lacerations, abrasions, strains, etc.) shall be made by the Course Manager using the CSTI Injury and Accident Form (HM 290 within 10 working days of the injury, to the CSTI Hazardous Materials Section Chief.

(v) Students who sustain any injury that requires treatment by a physician shall obtain a written medical release from a physician and submit it to the Course Manager before being permitted to resume training. An injured student is required to make notification to CSTI Hazardous Mate-

rials Section Chief if said student obtained medical treatment without Course Manager's knowledge;

(4) All Course Managers, certified and noncertified instructors, and students who are conducting or participating in any State certified hazardous materials course, as referenced in Section 2520, that involves chemical monitoring or analysis shall adhere to the following safety procedures:

(A) Student shall be a minimum of 20 feet away from all chemical demonstrations involving reactive chemical, explosive chemicals, or potentially vigorous reactions;

(B) Students shall be in a well ventilated room not to exceed 85 degrees F or outside not to exceed 100 degrees F;

(C) All instructors and students shall wear appropriate chemical protective clothing;

(D) During the handling of chemicals, students shall be monitored according to a student-to-instructor ratio that does not exceed 10-to-1;

(E) An EMT-I, or greater, shall be available on-site or through local EMS, at all times during the handling of chemicals (efforts should be made to have an EMT-P available); and

(F) Escape routes and warning signals should be identified by course manager and discussed with students.

(5) All Course Managers, certified and noncertified instructors, and students who are conducting or participating in any State certified hazardous materials course, as referenced in Section 2520, that involves an outdoor practical field exercise shall adhere to the following safety procedures:

(A) Student-to-Instructor ratio shall not exceed 15-to-1;

(B) Students shall work outdoors in a maximum of 50 minute increments with 10 minute breaks, (except training scenarios);

(C) Students shall not be permitted to remain in a Level A, B, and/or C suit (maximum suit time) for any period of time exceeding 45 consecutive minutes without a minimum of 30 minute break after doffing suit;

(D) If outdoor temperatures exceed 100 degrees F, student shall take breaks 10 minute minimum every 30 minutes. Above 100 degrees F, student time in chemical protective clothing shall be limited to 15 minutes including standby time and no in-suit training will be allowed when temperatures exceed 105 degrees F;

(E) Adequate drinking water shall be made available to all students and instructors during class hours;

(F) A covered resting/viewing area shall be made available for all students and instructors when environmental conditions dictate;

(G) When students are involved in donning Level A, B, and/or C protective clothing, a back-up student shall assist the student donning the clothing. If the back-up student discovers a problem, he or she shall assist the student in Level A, B, and/or C clothing to a safe position and then immediately notify an instructor;

(H) A demonstration on proper ladder safety shall be given to all students prior to any training involving ladders; and

(I) An EMT-I, or greater, will be available on site or through local EMS at all times during the use of Level A, B, and/or C Protective Clothing and Equipment and pre and post suit entry medical monitoring, (vital signs), shall be done each time students wear chemical protective clothing.

(J) Certified Course Publication/Marketing Policy

(1) Unless otherwise noted, all course student notebooks and handout materials issued by the California Specialized Training Institute for the State Certified Hazardous Materials Courses referenced in Section 2520 are public domain and, thereby, not subject to copyright.

(2) All materials making reference to the Office of Emergency Services and/or California Specialized Training Institute that are to be used to market or seek attendance in a State Certified Hazardous Materials Course shall be forwarded to the California Specialized Training Institute Hazardous Materials Section Chief for approval prior to their use.

(m) Course Prerequisites

(1) Students shall complete a First Responder Operations Course meeting the minimum content requirements as referenced in Section

2520(b) or an Incident Commander Course meeting the minimum content requirements as referenced in Section 2520(c) prior to being permitted to attend any State Certified Hazardous Materials Technician/Specialist Course as referenced in Section 2520. The Course Manager shall forward a signed Hazardous Materials Proof of FRO Competencies Form (HM 170, (rev. 8/99) incorporated by reference) to CSTI with the completed Course Roster (HM 150), as referenced in Section 2550(a)(4).

(2) Students shall complete a First Responder Operations Course meeting the minimum content requirements as referenced in Section 2520(b) or an Incident Commander Course meeting the minimum content requirements as referenced in Section 2520(c) prior to being permitted to attend any State Certified Hazardous Materials Investigations Course as referenced in Section 2520(e). The Course Manager may adopt an equivalent course with prior permission from the CSTI Hazardous Materials Section. The Course Manager shall forward a signed Hazardous Materials Proof of FRO Competencies Form (HM 170) to CSTI with the completed Course Roster (HM 150), as referenced in Section 2550(a)(4).

(3) Applicants shall complete a State Certified Hazardous Materials Investigations Course or its equivalent, as specified in Section 2520(e) prior to attending a State Certified Hazardous Materials Advanced Environmental Crimes Investigations Course as specified in Section 2520(u).

(4) Any student seeking to attend a State Certified Hazardous Materials Advanced Environmental Crimes Investigations Course as specified in Section 2520 (u) shall provide documentation to the Course Manager that verifies that said student is an active member of an environmental crimes investigations team/unit or works in the direct support of an environmental crimes investigation team or unit prior to being allowed to attend.

(5) Students shall complete a First Responder Operations Course meeting the minimum content requirements as referenced in Section 2520(b) or an Incident Commander Course meeting the minimum content requirements as referenced in Section 2520(c) prior to being permitted to attend a State Certified Hazardous Materials Emergency Response First Responder Operations — Decontamination Course as referenced in Section 2520(x), or a State Certified Haz Mat Emergency Response-Incident Commander Course meeting the 24 hour minimum class duration requirement as referenced in Section 2520(c)(3), or a State Certified Hazardous Materials Emergency Response Technician—Private Industry Course meeting the 16 hour minimum class duration requirement as referenced in Section 2520(t)(3).

(6) Current Certification is defined by Section 2510(i) and is required when requesting equivalency for select CSTI courses or as a prerequisite for courses which permit equivalency.

(7) Requests for exceptions and waivers should be sent to the Chief of the CSTI HazMat Section.

(n) Required Course Materials and Training Aids

(1) Course Managers are required to use course materials, text books, reference books, videos, equipment and training aids that are designated in Section 2520 for specific State certified hazardous materials courses.

(2) Any Course Manager who seeks to substitute other materials, text books, reference books, videos, equipment or training aids in place of those specified in Section 2520, shall submit a written request with a copy of the material(s) to be considered, to the California Specialized Training Institute Hazardous Materials Section Chief for approval prior to use in any certified course.

(o) Technician and Specialist Designation

(1) Any student who has successfully completed all of the Hazardous Materials Technician/Specialist Courses as referenced in Section 2520(k)–(q) shall be recognized as having been trained as a certified Hazardous Materials Specialist by the State of California.

(2) Any student who has successfully completed all of the Hazardous Materials Technician/Specialist Courses as referenced in Section 2520(k)–(n) shall be recognized as having been trained as a certified hazardous Materials Technician by the State of California.

(3) Any Student who seeks to challenge the Technician/Specialist 1A Course, as referenced in Section 2520(k), shall be permitted to take the Technician/Specialist 1A Final Exam only once, as administered by a CSTI Hazardous Materials Section faculty member or designated certified instructor. If said student successfully passes said exam, the student shall be certified as completing the Technician/Specialist 1A Course, as referenced in Section 2520(k). The regular tuition fee may be charged to the student prior to administering the Technician/Specialist 1A Final Exam.

(p) California Code of Regulations Acknowledgment Receipt

(1) Prior to managing, instructing, or assisting in any course requesting State certification, all certified instructors are required to read, understand, and follow Title 19 CCR 2510–2560.

(2) All certified instructors are responsible for obtaining, reviewing, and complying with all published revisions to these regulations, as designated in Title 19 California Code of Regulations, Division 2, Chapter 1, Subchapter 2, Sections 2510–2560 entitled Hazardous Substances Emergency Response Training.

(q) Specialist Evaluation

(1) The Haz Mat Specialist Evaluation Record (HM 230), as referenced in Section 2550(a)(10), shall only be completed by the Specialist 1G Course Manager or instructor(s) assisting the Course Manager, under the director supervision of said Course Manager.

(2) Instructors who complete the Haz Mat Specialist Evaluation Record (HM 230) shall accurately and objectively evaluate the student's performance based on the certified curriculum as referenced in Section 2520.

(3) Instructors who complete the Haz Mat Specialist Evaluation Record (HM 230) shall complete the "comment section" whenever a student receives a performance grade of "3" (Outstanding) or "O" (Failure).

(4) The Specialist 1G Course Manager is responsible for reviewing and ensuring that the Haz Mat Specialist Evaluation Record (HM 230) is accurate, objective, and contains all required comments.

(5) The Specialist 1G Course Manager is responsible for assigning the final score for all students in his/her course.

(6) A student shall not receive certification in the Specialist 1G Course, as referenced in Section 2520(q), unless he or she receives a score of "1" (Average) or better in each of the five position categories.

(r) Condensed Courses

(1) The Office of Emergency Services will not certify condensed courses after June 30, 1999.

(s) Refresher Courses

(1) The California Specialized Training Institute shall issue a student a Certificate of Completion in Refresher Training for any course referenced in section 2520, except 2520(s), as long as the four components of refresher training are completed, as verified by a qualified current CSTI outreach instructor:

(A) The CSTI outreach instructor shall conduct a review and assessment of the students competencies at the appropriate CSTI standardized course, as referenced in Section 2520, in order to identify what competencies are in need of refresher training; and,

(B) The CSTI outreach instructor shall provide refresher training for the identified competencies identified in (s)(1)(A), and shall provide any updates regarding the jurisdiction/employer hazardous materials plans, policies, and standard operating procedures; and,

(C) The CSTI outreach instructor shall ensure that the student participates in an exercise that includes the objectives to demonstrate the competencies at the appropriate CSTI standardized course, as referenced in Section 2520, and provide coaching that will enhance the achievement of those competencies; and,

(D) The CSTI outreach instructor shall provide a recap of the key points of the refresher training, administer the current CSTI certified refresher exam per the regulations under section 2520(e), and provide remediation as necessary for the commonly missed questions.

(6) The California Specialized Training Institute shall issue a student a Certificate of Completion in Refresher Training for the Hazardous Waste General Site Worker Course if all of the following conditions are met:

(A) Student presents to the Course Manager a valid certificate of completion issued by the California Specialized Training Institute for the Hazardous Waste General Site Worker Course meeting the content requirements referenced in Section 2520(s);

(B) Student actively participates in the 8 hour California Specialized Training Institute's refresher course for the Hazardous Waste General Site Worker Course.

(C) Student actively participates in a review of the training requirements for Hazardous Waste General Site Worker as specified in Title 8 California Code of Regulations Section 5192(e);

(D) Student actively participates in an activity requiring them to complete a practical exercise while wearing a level of chemical protective clothing appropriate to that worksite;

(E) Student demonstrates basic competency of Hazardous Waste General Site Worker level objectives, as referenced in Section 2520(s)(1), during the CSTI Hazardous Waste General Site Worker Refresher Course field training exercise or a Hazardous Waste General Site Worker level refresher exercise developed and approved by student's employer; and

(F) Student successfully completes the CSTI Hazardous Waste General Site Worker Refresher Course written examination with a score of 70% or better.

(7) All administrative procedures, as referenced in Section 2540, shall apply to all refresher courses.

(8) Course Managers seeking to teach any of the refresher courses referenced above shall indicate on the Training Notification Form (HM 100), as referenced in Section 2550, that said course will be in the refresher format.

(9) Course Managers who have completed teaching any of the refresher courses referenced above shall submit to CSTI with the Course Roster Form (HM 150), as referenced in Section 2550, a photocopy of the certificate of the prerequisite course for each student as designated in Section 2540(t)(1)(A) or Section 2540(t)(2)(A).

(10) The Course Manager for the First Responder Awareness Refresher Course shall be a certified First Responder Awareness or Operations Instructor as referenced in Section 2530(a).

(11) The Course Manager for the First Responder Operations Refresher Course shall be a certified First Responder Operations or Incident Commander Instructor as referenced in Section 2530(a).

(12) The Course Manager for the Emergency Response Incident Commander Refresher Course shall be a certified Incident Commander Instructor as referenced in Section 2530(a).

(13) The Course Manager for the Hazardous Materials Emergency Response Technician—Private Industry Refresher Course shall be a certified California State Certified Hazardous Materials Technician/Specialist 1C and 1D or 1F and 1G or Hazardous Materials Emergency Response Technician—Private Industry Instructor as referenced in Section 2530(b). The course manager for a Hazardous Waste General Site Worker Refresher Course shall be a certified California State Certified Hazardous Waste General Site Worker Instructor.

(t) Certified Curriculum

(1) Certified curriculum for the California Hazardous Substances Incident Response Training and Education Program shall consist of Instructor Guides and/or Student Notebooks, effective publication dates as of September 1, 2002 or thereafter, as listed below. Course managers shall ensure that certified classes use the current edition of the documents listed for the applicable course. These documents are incorporated by reference in their entirety into these regulations for the courses described in Section 2520.

Clandestine Methamphetamine Laboratories First Responder Awareness, Student Manual
 Clandestine Methamphetamine Laboratories First Responder Awareness, Instructor Guide.
 Clandestine Methamphetamine Laboratories First Responder Operations, Student Manual
 Clandestine Methamphetamine Laboratories First Responder Operations, Instructor Guide.
 Hazardous Materials – Assistant Safety Officer Student Manual
 Hazardous Materials – Assistant Safety Officer, Instructor Guide
 Hazardous Materials Emergency Response: First Responder Awareness Student Notebook
 Hazardous Materials Emergency Response: First Responder Awareness Instructor Guide
 Hazardous Materials Emergency Response: First Responder Operations Student Notebook
 Hazardous Materials Emergency Response: First Responder Operations Instructor Guide
 Hazardous Materials Emergency Response: Incident Commander Student Notebook
 Hazardous Materials Emergency Response: Incident Commander Instructor Guide
 Hazardous Materials Emergency Response: Executive Management Student Notebook.
 Hazardous Materials Emergency Response: Principles of Environmental Crimes Investigations Student Notebook
 Hazardous Materials Emergency Response: Environmental Monitoring Student Notebook
 Hazardous Materials Emergency Response: Incident at Ports Student Notebook
 Hazardous Materials Emergency Response: Instructor Certification Student Notebook
 Hazardous Materials Emergency Response: Inst. Cert. for Trainers Student Notebook
 Hazardous Materials Emergency Response: Instructor Recertification Student Notebook
 Hazardous Materials Emergency Response: Tech/Specialist (1A): Basic Chemistry Student Notebook
 Hazardous Materials Emergency Response: Tech/Specialist (1A): Basic Chemistry Instructor Guide
 Hazardous Materials Emergency Response: Tech/Specialist (1B): Applied Chemistry Student Notebook
 Hazardous Materials Emergency Response: Tech/Specialist (1B): Applied Chemistry Instructor Guide
 Hazardous Materials Emergency Response: Tech/Specialist (1C): Incident Considerations Student Notebook
 Hazardous Materials Emergency Response: Tech/Specialist (1C): Incident Considerations Instructor Guide
 Hazardous Materials Emergency Response: Tech/Specialist (1D): Tactical Field Operations Student Notebook
 Hazardous Materials Emergency Response: Tech/Specialist (1D): Tactical Field Operations Instructor Guide
 Hazardous Materials Emergency Response Specialist (1F): Specialized Mitigation Techniques Student Notebook
 Hazardous Materials Emergency Response Specialist (1F): Specialized Mitigation Techniques Instructor Guide
 Hazardous Materials Emergency Response Specialist (1G): Tactical Field Operations Instructor Guide
 Hazardous Materials Emergency Response Tech/Spec: Instructor Orientation Student Notebook
 Hazardous Materials Emergency Response Technician—Private Industry Student Notebook
 Hazardous Materials Emergency Response Technician—Private Industry Instructor Guide
 Hazardous Materials Emergency Response Technician—Private Industry (24 Hour) Student Notebook

Hazardous Materials Emergency Response Technician—Private Industry (24 Hour) Instructor Guide
 Hazardous Materials Emergency Response Advanced Environmental Crimes Investigations Student Notebook
 Hazardous Materials Emergency Response Emergency Medical Response to Hazardous Materials Incidents Student Notebook
 Hazardous Materials Emergency Response Emergency Medical Response to Hazardous Materials Incidents Instructor Guide
 Hazardous Materials Emergency Response Guidelines for Hospitals and Emergency Departments: Managing the Victims of Hazardous Materials Incidents Student Notebook
 Hazardous Materials Emergency Response Guidelines for Hospitals and Emergency Departments: Managing the Victims of Hazardous Materials Incidents Instructor Guide
 Hazardous Materials Emergency Response First Responder Operations – Decontamination Student Notebook
 Hazardous Materials Emergency Response First Responder Operations – Decontamination Instructor Guide
 Hazardous Materials — Mass Casualty Decontamination, Student Manual
 Hazardous Materials — Mass Casualty Decontamination, Instructor Guide
 Hazardous Materials/Weapons of Mass Destruction Assistant Safety Officer Student Manual (rev. 2007)
 Hazardous Materials/Weapons of Mass Destruction Assistant Safety Officer Plan of Instruction (rev. 1/2007)
 Hazardous Materials/Weapons of Mass Destruction Emergency Response, First Receiver Operations and Decontamination for Health Care Student Manual (rev. 6/2007)
 Hazardous Materials/Weapons of Mass Destruction Emergency Response, First Receiver Operations and Decontamination for Health Care Plan of Instruction (rev. 6/2007)
 Hazardous Materials/Weapons Of Mass Destruction, First Responder Operations, Law Enforcement Field Support Course Student Manual (rev. 2/2007)
 Hazardous Materials/Weapons Of Mass Destruction, First Responder Operations, Law Enforcement Field Support Course Plan of Instruction (rev. 2/2007)
 Hazardous Materials, Weapons of Mass Destruction Terrorism for the Technician/ Specialist Course Student Manual (rev. 4/2007)
 Hazardous Waste General Site Worker Student Notebook
 Hazardous Waste General Site Worker Instructor Guide
 HazMat Emergency Response, First Responder Awareness – Nuclear, Biological and Chemical Agents, Student Manual.
 HazMat Emergency Response, First Responder Awareness – Nuclear, Biological and Chemical Agents, Instructor Guide.
 First Responder Operations—Nuclear, Biological and Chemical Agents Student Notebook
 Incident Commander: Nuclear, Biological and Chemical Agents (IC–NBC) Course Participant Workbook

NOTE: Authority cited: Section 8574.20(a), Government Code. Reference: Section 8574.20(b), Government Code.

HISTORY

1. New section filed 7–8–91; operative 8–7–91 (Register 91, No. 46).
2. New subsections (g), (h) and (i) filed 9–16–91; operative 10–16–91 (Register 92, No. 2).
3. Amendment filed 5–12–94; operative 6–13–94 (Register 94, No. 19).
4. Editorial correction (Register 96, No. 52).
5. Amendment of section and NOTE filed 12–23–96; operative 1–22–97 (Register 96, No. 52).
6. Amendment of section and new forms filed 10–15–98; operative 11–14–98 (Register 98, No. 42).
7. Amendment of subsection (t) filed 2–8–2000; operative 3–9–2000 (Register 2000, No. 6).
8. Amendment of section and NOTE filed 4–25–2003; operative 5–25–2003 (Register 2003, No. 17).
9. Amendment filed 12–18–2007; operative 1–17–2008 (Register 2007, No. 51).

SITE SAFETY AND CONTROL PLAN ICS 208 HM	1. Incident Name:	2. Date Prepared:	3. Operational Period: Time:
Section I. Site Information			
4. Incident Location:			
Section II. Organization			
5. Incident Commander:	6. HM Group Supervisor:	7. Tech. Specialist – HM Reference:	
8. Safety Officer:	9. Entry Leader:	10. Site Access Control Leader:	
11. Asst. Safety Officer – HM:	12. Decontamination Leader:	13. Safe Refuge Area Mgr.:	
14. Environmental Health:	15.	16.	
17. Entry Team: (Buddy System) Name: PPE Level		18. Decontamination Element: Name: PPE Level	
Entry 1		Decon 1	
Entry 2		Decon 2	
Entry 3		Decon 3	
Entry 4		Decon 4	
Section III. Hazard/Risk Analysis			
19. Material:	Container type	Qty.	Phys. State
Comment:			
Section IV. Hazard Monitoring			
20. LEL Instrument(s):		21. O ₂ Instrument(s):	
22. Toxicity/PPM Instrument(s):		23. Radiological Instrument(s):	
Comment:			
Section V. Decontamination Procedures			
24. Standard Decontamination Procedures:			YES: NO:
Comment:			
Section VI. Site Communications			
25. Command Frequency:	26. Tactical Frequency:	27. Entry Frequency:	
Section VII. Medical Assistance			
28. Medical Monitoring:	YES: NO:	29. Medical Treatment and Transport In-place:	YES: NO:
Comment:			

Section VIII. Site Map		
30. Site Map:		
Section IX. Entry Objectives		
Weather ☐ Command Post ☐ Zones ☐ Assembly Areas ☐ Escape Routes ☐ Other ☐		
31. Entry Objectives:		
Section X. SOP'S and Safe Work Practices		
32. Modifications to Documented SOP's or Work Practices:	YES: ☐	NO: ☐
Comment:		
Section XI. Emergency Procedures		
33. Emergency Procedures:		
Section XII. Safety Briefing		
34. Asst. Safety Officer – HM Signature:		Safety Briefing Completed (Time):
35. HM Group Supervisor Signature:	36. Incident Commander Signature:	

INSTRUCTIONS FOR COMPLETING THE SITE SAFETY AND CONTROL PLAN ICS 208 HM

A Site Safety and Control Plan must be completed by the Hazardous Materials Group Supervisor and reviewed by all within the Hazardous Materials Group prior to operations commencing within the Exclusion Zone.

Item Number	Item Title	Instructions
1.	Incident Name/Number	Print name and/or incident number.
2.	Date and Time	Enter date and time prepared.
3.	Operational Period	Enter the time interval for which the form applies.
4.	Incident Location	Enter the address and or map coordinates of the incident.
5 – 16.	Organization	Enter names of all individuals assigned to ICS positions. (Entries 5 & 8 mandatory). Use Boxes 15 and 16 for other functions: i.e. Medical Monitoring.
17 – 18.	Entry Team/Decon Element	Enter names and level of PPE of Entry & Decon personnel. (Entries 1 – 4 mandatory buddy system and back-up.)
19.	Material	Enter names and pertinent information of all known chemical products. Enter "UNK" if material is not known. Include any which apply to chemical properties. (Definitions: ph = Potential for Hydrogen (Corrosivity), IDLH = Immediately Dangerous to Life and Health, F.P. = Flash Point, I.T. = Ignition Temperature, V.P. = Vapor Pressure, V.D. = Vapor Density, S.G. = Specific Gravity, LEL = Lower Explosive Limit, UEL = Upper Explosive Limit)
20 – 23.	Hazard Monitoring	List the instruments which will be used to monitor for chemical.
24.	Decontamination Procedures	Check "NO" if modifications are made to standard decontamination procedures and make appropriate Comments including type of solutions.
25 – 27.	Site Communications	Enter the radio frequency(ies) which apply.
28 – 29.	Medical Assistance	Enter comments if "NO" is checked.
30.	Site Map	Sketch or attach a site map which defines all locations and layouts of operational zones. (Check boxes are mandatory to be identified.)
31.	Entry Objectives	List all objectives to be performed by the Entry Team in the Exclusion Zone and any parameters which will alter or stop entry operations.
32 – 33.	SOP's, Safe Work Practices, and Emergency Procedures	List in Comments if any modifications to SOP's and any emergency procedures which will be affected if an emergency occurs while personnel are within the Exclusion Zone.
34 – 36.	Safety Briefing	Have the appropriate individual place their signature in the box once the Site Safety and Control Plan is reviewed. Note the time in box 34 when the safety briefing has been completed.

§ 2550. Administrative Forms.

(a) The following forms shall be utilized in the administration of the California Hazardous Substances Incident Response Training and Education Program as designated in section 2540:

- (1) Training Course Notification Form (HM 100);
- (2) Class Schedule Form (HM 130);
- (3) Student Course Evaluation Form (HM 140);
- (4) Course Roster Form (HM 150);
- (5) Course Manager Course Evaluation Form (HM 160);
- (6) Hazardous Materials Proof of FRO Competencies Form (HM 170) (rev. 8/99)
- (7) Course Audit Report Form (HM 180);
- (8) FTF Inspection Report Form (HM 190);
- (9) CCR Acknowledgment Receipt Form (HM 200);
- (10) Teaching Verification Form (HM 220);
- (11) Haz Mat Specialist Evaluation Record (HM 230);
- (12) CSTI Application Form
- (13) CSTI Statement of Physical or Medical Qualification Form (HM 280) (rev. 9/04)
- (14) CSTI Statement of Physical or Medical Qualification for APR Form (HM 280 C) (rev. 4/04)
- (15) CSTI Injury and Accident Form (HM 290) (rev. 9-07)

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HAZARDOUS MATERIALS TRAINING COURSE NOTIFICATION

1. Course Number (leave blank): _____
2.

<u>Course Type:</u>		<u>Tech./Spec:</u>		
☐ FRA	☐ FRA Refresher	☐ 1A	☐ 1E	☐ FRO Decon
☐ FRO	☐ FRO Refresher	☐ 1B	☐ 1F	☐ Medical Mgmt.
☐ IC/SM	☐ FRO Condensed	☐ 1C	☐ 1G	☐ Other: (Title)
☐ Invest.	☐ IC/SM Condensed	☐ 1D	_____	
3. Course Dates: _____
4. Course Time: _____
5. Course Address (number/street, city, zip): _____

6. Course Manager's (Lead Instructor) Name: _____
7. Course Manager's (Lead Instructor) Certificate Number: _____
8. Course Manager's Mailing Address: _____

9. Course Manager's Phone Number: _____
10. Which exam will you be using? Year: _____ A ___ B ___ C ___
11. Adjunct Instructors Names and Certificate Numbers: _____

This course notification to CSTI constitutes an agreement between the above-indicated Course Manager and the State of California to conduct the above-indicated course in accordance with the minimum hours, performance objectives, course content, and procedures designated in Title 19, California Code of Regulations, Chapter 1, SubChapter 2, Sections 2510-2560.

You may call this information into Outreach Coordinator, or fill out this form and mail it or fax it. Please submit all information to CSTI 6 weeks prior to class. Address and phone numbers are listed below:

If mailing this form please mail to: CSTI, Attn: Outreach Coordinator, P.O. Box 8104, San Luis Obispo, CA 93403-8104. **Phone:** 805/549-3534. **FAX:** 805/549-3555.

The Course Manager is required to submit to CSTI, no later than 6 weeks following completion of above indicated course, the following materials: **1) Course Roster Form (HM150), 2) Student Evaluation Form (HM140), 3) Course Manager Evaluation Form (HM160) (Optional), 4) Course Schedule (HM130)**

For CSTI Use Only:

Notification Received: _____
 Materials Shipped: _____
 Course Status: ☐ Open ☐ Ongoing ☐ Closed

CSTI HAZARDOUS MATERIALS CLASS SCHEDULE

Course Number

COURSE MANAGER: _____

[illegible]

Course Manager Signature

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HAZARDOUS MATERIALS COURSE STUDENT EVALUATION FORM
(One Evaluation Required Per Participant)

- I. Your Agency (Optional): _____
- II. Your Name (Optional): _____
- III. Course Title: _____
- IV. Course Date: _____
- V. CSTI Class Number: _____
- VI. Course Manager: _____
- VII. Were stated Course Objectives Met: YES _____ NO _____

Based on the CSTI course you have just taken, and using the rating scale of 1 to 5 as indicated below, please rate the current QUALITY of:

1 = Inadequate 2 = Needs Improvement 3 = Satisfactory 4 = Good 5 = Excellent

- | | |
|---|-------|
| 1. Effectiveness of Instructor's presentation style and communication techniques. | _____ |
| 2. Instructors concern for his/her participants. | _____ |
| 3. Instructors level of knowledge. | _____ |
| 4. Effectiveness of Instructors teaching ability/skills. | _____ |
| 5. Effectiveness and proper use of visual aids. | _____ |
| 6. Effectiveness and proper use of reference materials. | _____ |
| 7. Effectiveness and proper use of training aids (props). | _____ |
| 8. Effectiveness and appropriateness of the CSTI certified exam. | _____ |
| 9. Level of difficulty of CSTI certified exam. | _____ |
| 10. Course content (thorough - realistic). | _____ |
| 11. Application (enough "hands-on" training). | _____ |
| 12. Time management. | _____ |
| 13. Motivation level of other participants. | _____ |

OVER

Based on the CSTI course you have just taken, please answer (with explanation) the following questions:

14. In my opinion, the MOST BENEFICIAL block of instruction was:

15. In my opinion, the LEAST BENEFICIAL block of instruction was:

16. In my opinion, the #1 TOPIC for this course to address in the future is:

17. In my opinion, the #1 TRAINING SERVICE CSTI could provide in the future is:

18. This Course ___ BENEFITED ME ___ DID NOT BENEFIT ME because:

Please use the rest of the page to share any other comments or suggestions that you feel will help us improve and refine CSTI courses/service in the future.

THANK YOU

2550 (a) 4

CSTI HAZARDOUS MATERIALS COURSE ROSTER

PLEASE TYPE OR PRINT LEGIBLY

Course Title: _____

Course Date: _____

CSTI Class Number: _____

Course Manager: _____

ISSUED
BY CSTI

NAME/SSN	ADDRESS / PHONE	PASSED Y/N	% SCORE	CERT. *
Name				
SSN				
Name				
SSN				
Name				
SSN				
Name				
SSN				
Name				
SSN				
Name				
SSN				
Name				
SSN				
Name				
SSN				
Name				
SSN				
Name				
SSN				

COURSE MANAGER: _____
(Signature)

I Certify that this course was conducted in accordance with minimum hours, performance objectives, outlines and procedures identified by CSTI pursuant to California Code of Regulations, Section 2520.

State of California-OES/CSTI

Revised 3/93

Form HM150

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HAZARDOUS MATERIALS COURSE MANAGER EVALUATION
(Optional)

Course Title: _____
Course Date: _____
CSTI Class Number: _____
Course Manager: _____

COURSE ASSESSMENT

- | | |
|--|--|
| 1. MATERIALS:
°Technically accurate
°Up to date
°Well organized
°Easy to use
°Complete | COMMENTS:

_____ |
| 2. AUDIOVISUALS:
°Type
°Titles
°Quality | COMMENTS:

_____ |
| 3. COURSE:
°Relevant
°Facilitated learning
°Lectures/activities were appropriate
°Right amount of material
°Appropriate for participants
°Effective | COMMENTS:

_____ |
| 4. PARTICIPANTS:
°Motivated
°Manageable
°Precourse information | COMMENTS:

_____ |
| 5. FACILITIES:
°Conducive to learning
°AV equipment available | COMMENTS:

_____ |
| 6. Was the course delivered as designed? If not, why? | _____
_____ |
| 7. Do you feel that the course met its objectives? If not, why? | _____
_____ |
| 8. Did you train all sessions of the course? If not, why? | _____
_____ |

Please use the following lines for comments and suggestions: _____

Hazardous Materials Proof of FRO Competencies
SUBMIT FOR EACH COURSE REQUIRING FRO
AS A PREREQUISITE

Course Title: _____

Course Date: _____

CSTI Class Number: _____

Course Manager: _____

This memo is to verify that all participants of the California Specialized Training Institute's Hazardous Materials Course Type and Number (listed above) taught by outreach course manager (listed above) have successfully completed **Hazardous Materials First Responder Operational competencies** as specified in California Code of Regulations, Title 19, Division 2, Chapter 1, Subchapter 2, Section 2540 m (1), prior to attending the course number referenced above.

I understand that at any time, the California Specialized Training Institute may audit my course, and ask me to provide documentation of Hazardous Materials First Responder Operational competency training as referenced in the California Code of Regulations Section 2540 m (1) for the above listed course participants.

(Signature of Course Manager)

NOTE: Please submit only this form. Copies of FRO competency certificates are to be filed by the Course Manager, and not submitted to C.S.T.I. unless requested in an audit.

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COURSE AUDIT REPORT:

Directions: Auditor completes all pages of this report. Auditor must also attach a copy of the appropriate subsection within Section 2520 of the California Code of Regulations, that corresponds to the type of course being audited (eg. First Responder Awareness, First Responder Operational, Incident Commander, etc.). The auditor is required to utilize the regulation subsection as a checklist and place his/her initials next to each topic in which the course is in compliance. Lack of initials next to topic will indicate a deficiency in the course being audited. All deficiencies should be addressed in the comment section.

Course Title: _____

Course Date(s): _____

Course Location: _____

Course Manager: _____

Course Manager's Instructor Number: _____

Course Manager's Mailing Address: _____

Course Manager's Phone Number: _____

Presenting Agency/Organization: _____

Instructor(s):

Blocks:

Type of Audit: **Routine**_____ **Special**_____ **Follow-up**_____

Summary of Findings & Comments:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

use additional paper if necessary

Auditor's Signature: _____ **Date:** _____

Auditor's Name (print or type): _____

Auditor's Title: _____

Organization: _____

Address: _____

Phone Number: _____

Audit Checklist:

Directions: Auditor completes this checklist by putting his/her initials in the appropriate column for each item indicated. Any discrepancies, significant observations, or standards not in compliance should be explained in the "Summary of Findings & Comments" section above.

<u>Standard:</u>	<u>In Compliance:</u> YES NO	<u>Not Observed:</u>
------------------	--------------------------------------	----------------------

COURSE MANAGER & INSTRUCTORS

1. Course Manager was on-site monitoring, coordinating, and/or instructing in course.
2. Course Manager taught at least 20% of course. (only applicable to audits of entire course)
3. Noncertified Instructors were teaching under the supervision of the Course Manager.
4. Professional conduct, as specified in CCR Section 2540(i) was demonstrated by all instructors.

COURSE ADMINISTRATION & SAFETY

5. Classroom Student-to-Instructor Ratio did not exceed 40-to-1.
6. Field/Exercise Student-to-Instructor Ratio did not exceed 15-to-1.
7. Course Manager had a system in place to document & verify all student attendance.
8. Safety Policy was adhered to by all instructors, as specified in CCR Section 2540(k), as applicable.

COURSE MATERIALS

9. Each student was provided a copy of the certified curriculum (student notebook).
10. Each student was provided with a Course Evaluation Form HM 130. (only applicable to audits of entire course)

--continued--

--continued--

<u>Standard:</u>	<u>In Compliance:</u>		<u>Not Observed:</u>
	YES	NO	
11. All reference books, videos, training aids, text books, and equipment as specified in CCR 2520 for the appropriate level of training were on-site and available to students.			
<u>COURSE CONTENT & HOURS</u>			
12. All blocks of instruction that were audited contained all of the required content as specified in CCR 2520 for the appropriate level of training.			
13. Course met or exceeded minimum required hours as specified in CCR 2520 for the appropriate level of training. (only applicable to audits of entire course)			
<u>EXERCISES</u>			
14. Table Top and/or Field Exercise(s) met all objectives specified in CCR Section 2520 for the appropriate level of training.			
15. Proper equipment and materials were available during the exercise.			
<u>EXAMS</u>			
16. The Course Manager administered the "current" certified final exam at the end of course.			
17. Certified exams were administered, proctored, corrected and scored by the Course Manager. (note: assistance from other "certified" instructors is permitted)			
18. The proper time limit was adhered to for the administration of certified final exam. (one minute per question unless otherwise indicated on exam)			
19. Students were not permitted to retain any certified final exams.			
20. No questions and/or answers to the certified exam were revealed to students prior to administration of certified final exam.			

2550 (a) (7)**FIELD TRAINING FACILITY INSPECTION REPORT:**

Directions: Inspector completes this report and forwards it to the CSTI Hazardous Materials Section Chief within 10 working days from date of inspection. All items must be present and operational at time of inspection in order for the facility to be certified. Field Training Facility Inspection and Certification Procedures are found in Title 19, California Code of Regulations, Chapter 1, Sub-Chapter 2, Sections 2560. Authority to conduct inspection is found in Title 2, California Government Code, Division 1, Chapter 7, Article 3.8, Section 8574.

Inspection Date: _____

Location: _____

Presenting Agency/Organization: _____

FTF Coordinator's Name: _____ Title: _____

FTF Coordinator's Address: _____

FTF Coordinator's Phone: _____

Inspector's Signature: _____ Date: _____

Inspector's Name: _____ Title: _____

Inspector's Signature: _____ Date: _____

Inspector's Name: _____ Title: _____

Reviewed By: _____
(CSTI Haz. Mat. Section Chief Signature)

Date: _____

APPROVED _____ NOT APPROVED _____

Reviewed By: _____
(CSFM Representative Signature)

Date: _____

APPROVED _____ NOT APPROVED _____

TRAINING AIDS:

__ **Drums** that have been designed with leaks of the following types:

- __ One Side Void (eg. fork lift or nail puncture).
- __ One Bottom Failure (bottom of drum cut free so that drum fails if moved).
- __ One Bung Leak (damaged threads).
- __ One Chine Leak (1/16 holes or saw cut).

__ **Drums** for sampling:

- __ One 17 E with threaded bung, 55 gal.
- __ One 17 H with removable top, 55 gal.
- __ One non-operable (weld or braze bungs closed).

__ **Overpack:**

- __ One DOT 49 CFR 173.3 Salvage Drum, 85 gal.
- __ One DOT 49 CFR 173.3 Salvage Drum, 8 gal.
- __ One DOT 49 CFR 173.3 Salvage Drum, Polyethylene.

__ One **100-150 lb. Chlorine Container** designed for vapor leak from the valve area.

__ One **1-Ton Chlorine Container** designed for liquid and vapor leaks from valve and fusible plug. Container shall be designed to allow instructor to change leak from a liquid to a vapor when students roll the container.

__ One **Chlorine Tank Dome** designed for liquid line, vapor line and safety relief valve leak. One leak should be from vibration opening of valve, one leak from a valve loose in its mount, and one leak from a failed safety-relief valve. The tank dome shall be designed to allow the student to read the vapor pressure via one of the vapor lines.

__ One **Fixed Bulk Storage Tank** (minimum of 200-gallon capacity) with leaks of a type to facilitate the application of a tank bandage.

__ One **MC 306/MC 406 type Tank Truck** designed to simulate leak from dome cover on overturned tanker. Tanker must be of sufficient size to allow drilling for stinger operations.

__One **Railroad Tank Car** with domes listed below or **Domes** listed below on a simulated Railroad Tank Car. All work shall be done on a platform that is no larger than 64 square feet and at least 10 feet above ground level:

- __One **Chlorine Dome** meeting requirements specified above;
- __One **Pressure Dome** designed to leak from liquid valve, vapor valve, and failed Safety-Relief Valve. The dome shall be designed to allow students to gauge the liquid level in the tank
- __One **General Service Dome** designed to leak from Liquid Valve

__One **Storm Drain** designed to allow water flow from an out fall line for students to construct an under flow dam to contain hazardous materials.

__One **Piping System** designed to leak liquid or vapor on 2-12-inch or larger pipes including the following:

- __**Valve, Flange, Weld, and Thread Failures.**
- __**Cracked Pipe.**
- __**Sheared Pipe.**

__**Pressure Vessels** designed to leak from a valve or valve area including the following:

- __One **100-150 lb container.**
- __One **1-Ton Container** meeting the requirements specified above.
- __Two **Pressurized Gas Cylinders** (eg. Fumigants, Acetylene, Oxygen).

__One **Cargo Box Trailer or Intermodal Container** to be used to simulate a traffic accident with mixed cargo involved.

EQUIPMENT:

Drum-related:

- __Plug and Dike.
- __Bung Wrench.
- __Foam Wedges.
- __Water Dye.
- __Epoxy Putty.
- __Grounding and Bonding.
- __New Bungs.
- __Speed Wrench and Socket.
- __Drum Repair Kit.
- __Drum Hand Truck.
- __Transfer Pump.
- __Redwood Plugs.
- __Drum Lifter.

__Chlorine-related:

- ☐ A Kit.
- ☐ B Kit.
- ☐ C Kit.
- ☐ Ammonia Atomizer Bottle.

__Powdered Materials-related:

- ☐ Shovels.
- ☐ Brooms.
- ☐ Plastic Bags.
- ☐ Tarps.

__Pressurized Gas Cylinders-related:

- ☐ Hand Tools.
- ☐ Valve Thread Cap.

__Fixed Storage Tank-related:

- ☐ Patching Kits.
- ☐ Pneumatic Patching Equipment.
- ☐ 5-Minute Marine Epoxy.

__Piping Leaks-related:

- ☐ Pneumatic Patching Equipment.
- ☐ Patching Kits.
- ☐ Flange Gaskets.
- ☐ Bolts and Nuts.
- ☐ Hand Tools.

__Cargo Tank-related:

- ☐ Dome Clamp (MC 306/406).
- ☐ Step Ladder.
- ☐ Pneumatic Drill.
- ☐ Grounding and bonding cables.
- ☐ Grounding rod.
- ☐ Stinger.
- ☐ 4" Hole saw drill bit.
- ☐ Air pressure regulator.

__ Railroad Tank Car-related:

- __ Hand Tools.
- __ Pneumatic Tank Patching Equipment.
- __ Ladders (Fire Service Type), minimum 14 ft.
- __ Tool Elevator (rope, bag or bucket, and pulleys).

__ Storm Drain-related:

- __ Shovels.
- __ Sheet Plastic.
- __ Wheelbarrows.
- __ Sand.
- __ Over/Under flow Pipes (3-8 inches diameter).
- __ Pneumatic Plugs.

__ Absorbents: Polar and Nonpolar

- __ Pads.
- __ Booms.
- __ Pillows.
- __ Granular.

__ Sampling-related:

- __ Colawasa Tube.
- __ Scoops.
- __ Pipettes.
- __ Soil Sample Auger.
- __ Plastic ZipLoc-type Bags.
- __ Drum Thief's.
- __ Spoons.
- __ Bottles with Seals and Labels.
- __ 1-gallon Paint Cans for Overpack.

__ Monitoring-related:

- __ CGI.
- __ Oxygen Meter.
- __ Photoinization Detector.
- __ Dosimeters.
- __ Radiation Meters Mr/hr and R/hr.
- __ Colormetric Tubes.
- __ Field Chemical ID Kit.
- __ Test Papers.

Decontamination-related:

- ☐ Four Containment Pools.
- ☐ Four Water Wands.
- ☐ Two Hudson-Type Garden Sprayers.
- ☐ Wash Tubs.
- ☐ Trash Bags (55-gallon type).
- ☐ Four Garden Hoses or Equivalent.
- ☐ Tarps.
- ☐ Brush Assortment.
- ☐ Sponges.
- ☐ Towels.

Other:

- ☐ Windsock.

REFERENCE MATERIALS:

- ☐ Chemical Dictionary (Hawley's).
- ☐ Guidelines for the Selection of Chemical Protective Clothing (ACGIH).
- ☐ Handbook Of Reactive Chemical Hazards (L. Bretherick).
- ☐ CHRIS Manual (U.S. Coast Guard).
- ☐ Merck Index.
- ☐ Dangerous Properties of Industrial Materials (SAX).
- ☐ Farm Chemical Handbook (Meister).
- ☐ Pocket Guide to Chemical Hazards (NIOSH).
- ☐ Fire Protection Guide on Hazardous Materials (NFPA).
- ☐ California Haz Mat Incident Contingency Plan.

PROTECTIVE CLOTHING:

- ☐ **Level A Suits** (Adequate supply to assure that no suit is worn twice without first being cleaned and disinfected. Suit must provide total encapsulation.).
- ☐ **Level B Suits** (one per student).
- ☐ **Level C Suits** (one per student).
- ☐ **Chemical Resistant Boots** (one pair per student).
- ☐ **Chemical Resistant Gloves** (one pair per student).
- ☐ **Eye Protection** (Goggles and Safety Glasses, one pair per student).
- ☐ **Hearing Protection** (one set per student).
- ☐ **Full Face Air Purifying Respirators** (one per student).
- ☐ **Self-Contained Breathing Apparatus Mask** (one per student).
- ☐ **Self-Contained Breathing Apparatus** (one per every two students).
- ☐ **Flash Protection Over Suit** (one).
- ☐ **Cryogenic Over Suit** (one).

FORMS:

- ☐ ICS Form 201 - Incident Briefing.
- ☐ ICS Form 202 - Incident Objectives.
- ☐ ICS Form 205 - Incident Radio Communications Plan.
- ☐ ICS Form 214 - Unit Log.
- ☐ California State Haz Mat Incident Report Form.

STUDENT SAFETY :

 First Aid Kit (EMT-1 type).

 Emergency Telephone or Radio (to summon a paramedic).

 Covered Observation Area (sufficient capacity to seat entire class and able to provide protection from rain and sun).

 Flashlights (one per two students).

 Emergency Night Lighting (sufficient to illuminate entire exercise area).

MISC. / OPTIONAL ITEMS NOTED:

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OFFICE OF EMERGENCY SERVICES
CALIFORNIA SPECIALIZED TRAINING
INSTITUTE

Title 19
CALIFORNIA CODE OF REGULATIONS
Division 2
Chapter 1
SubChapter 2
Sections 2510-2560

Directions:

Sign and complete this form and mail or fax it to
CSTI, P.O. Box 8104, San Luis Obispo, CA 93403-
8104. Attn: Haz. Mat. Outreach Coordinator.
Fax : (805) 549-3555.

Acknowledgment Receipt:

I acknowledge having received and read a copy of the
California Code of Regulations, Sections 2510 - 2560, and
agree to conduct State certified hazardous materials
training in accordance with said regulations.

Signature: _____

Date: _____ Phone: _____ () _____

(Print or Type)

Certified Instructor's Name: _____

Instructor Number: _____

Mailing Address: _____

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California Specialized Training Institute
Hazardous Materials Technician / Specialist

TEACHING VERIFICATION FORM:

TECH / SPEC MODULE ____ COURSE NUMBER ____

DATE: ____

LOCATION:

_____**STATEMENT OF TEACHING VERIFICATION:**

*As Course Manager for the above indicated course,
I verify that (name) _____
(certified instructor number, if applicable) _____
has competently assisted in the instruction of at least
50% of the above-indicated course and is recommended
to be considered for instructor certification for the
above-indicated Tech/Spec module.**

Signature of Course Manager_____
Date_____
Course Manager's Name
(printed or typed)_____
Course Manager's
Instructor Number**ADDITIONAL COMMENTS:**

* Course Manager must attach a copy of the Class Schedule
(Form HM130) to this form for proof of verification.

California Specialized Training Institute

Hazardous Materials Specialist

Evaluation Record

Register 2007, No. 51; 12-21-2007

INSTRUCTOR GUIDE
Student Evaluation Record**HAZARDOUS MATERIALS SPECIALIST**
1G-2**POSITION****ICS Command Staff****Incident Commander.**

Demonstrate the ability to function as Incident Commander within the guidelines of Firescope ICS HM-120

Incident Commander Aide.

Demonstrate the ability to function as Incident Commander Aide within the guidelines of Firescope ICS HM-120.

Incident Safety Officer.

Demonstrate the ability to function as Incident Safety Officer within the guidelines of Firescope ICS HM-120. Coordinate the development and implementation of a site safety plan.

Information Officer.

Demonstrate the ability to function as Information Officer within the guidelines of Firescope ICS HM-120. Develop an incident press release, establish a Press area, coordinate all information released from the incident.

Liaison Officer.

Demonstrate the ability to function as Liaison Officer within the guidelines of Firescope ICS HM-120. Act as the point of contact for all outside agencies

Planning Section Chief.

Demonstrate the ability to function as Planning Section Chief within the guidelines of Firescope ICS HM-120.

Protective Actions Group Supervisor.

Demonstrate the ability to function as Protective Actions Group Supervisor within the guidelines of Firescope ICS HM-120. Develop and supervise the implementation of protective actions utilizing information obtained from Tech/Ref.

Operations Section Chief.

Demonstrate the ability to function as Operations Section Chief within the guidelines of Firescope ICS HM-120.

Hazardous Materials Group**HazMat Group Supervisor.**

Demonstrate the ability to function as HazMat Group Supervisor within the guidelines of Firescope ICS HM-120. Be Responsible for the Implementation of the incident-action plan.

HazMat Safety.

Demonstrate the ability to function as HazMat Safety within the guidelines of Firescope ICS HM-120. Develop the Site-Safety Plan. Conduct Safety briefing.

Entry Leader.

Demonstrate the ability to function as Entry Leader within the guidelines of Firescope ICS HM-120. Demonstrate the ability to manage, plan and direct overall entry operations. Insure proper backup support. Recommend mitigation actions to be performed. Maintain control of all personnel and equipment within the Hot zone (Exclusion Zone).

INSTRUCTOR GUIDE
Student Evaluation Record**HAZARDOUS MATERIALS SPECIALIST**
1G-3**Decon Leader.**

Demonstrate the ability to function as Decon Leader within the guidelines of Firescope ICS HM-120. Be responsible for decontamination of all personnel and equipment exiting the Hot Zone. Insure proper chain of custody for all samples and evidence in the Decon area.

HazMat Tech/Ref Leader.

Demonstrate the ability to function as HazMat Tech/Ref Leader within the guidelines of Firescope ICS HM-120. Provide technical information and assistance to the HazMat Group Supervisor. Provide product information and mitigation recommendations through research, interpretation of monitoring data and chemical analysis of samples. Provide protective action recommendations. Determine appropriate chemical protective clothing for entry and Decon teams.

Site Access Control Leader.

Demonstrate the ability to function as Site Access Control Leader within the guidelines of Firescope ICS HM-120. Be responsible for the establishment of Contamination control zones and control the movement of all personnel between those zones.

Medical Unit Leader.

Demonstrate the ability to function as Medical Unit Leader within the guidelines of Firescope ICS HM-120. Insure the proper medical monitoring of all personnel prior to donning and after doffing chemical protective clothing and prior to any bottle change. Maintain records of the above. Advise the HazMat Safety officer of any worker exceeding established medical guidelines. Coordinate the treatment of all injuries within the incident control zones.

Entry team member.

Under the direction of the Entry Leader, safely perform the duties assigned within the Hot Zone. Insure the use of the buddy system. Select and use the proper tools and equipment for mitigation of the incident. Demonstrate the ability to operate and understand monitoring equipment. Properly don and doff chemical protective clothing. Perform rescue of injured personnel within the Hot Zone.

Decon team member.

Under the direction of the Decon Leader, safely perform the duties assigned within the Decontamination corridor. Insure the use of the buddy system. Select and use the proper tools and equipment for decontamination of all personnel samples and equipment exiting the Hot Zone. Properly don and doff chemical protective clothing.

Tech/Ref team member.

Under the direction of the Tech/Ref Leader, provide product information and mitigation recommendations through research, interpretation of monitoring data and chemical analysis of samples. Provide protective action recommendations. Determine appropriate chemical protective clothing for entry and Decon teams.

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**CALIFORNIA OFFICE OF EMERGENCY SERVICES
CALIFORNIA SPECIALIZED TRAINING INSTITUTE
POST OFFICE BOX 8104 • SAN LUIS OBISPO, CA 93403**

**PHONES: EMER MGMT: (805) 549-3536
FAX: (805) 549-3348**

**NON-RESIDENT: (805) 549-3343
FAX: (805) 549-0554**

**FEDERAL: (805) 549-3671
FAX: (805) 549-0554**

**HAZ MAT: (805) 549-3344
FAX: (805) 549-3555**

**APPLICATION FOR ENROLLMENT
(This form may be reproduced locally)**

COURSE TITLE: _____

DATE OF COURSE: 1st Choice: _____ 2nd Choice: _____

FULL NAME: _____ **S.S.#:** _____

RANK/TITLE/POSITION: _____ **AGENCY:** _____

SEND CONFIRMATION ATTN: _____

BUSINESS ADDRESS: _____

(Street, P.O. Box)

(City and State)

(Zip Code)

HOME ADDRESS: _____

(Street, P.O. Box)

(City and State)

(Zip Code)

BUSINESS PHONE: _____ **HOME PHONE:** _____ **FAX #:** _____

DESCRIBE APPLICANT'S PROFESSIONAL EXPERIENCE, YEARS OF EXPERIENCE AND CURRENT POSITION.
THIS INFORMATION IS VITAL FOR PROPER ROLEPLAYING ASSIGNMENT IN EMERGENCY MANAGEMENT COURSES.

DO YOU HAVE A BACHELOR DEGREE (or higher) _____

Applicant's Supervisor/Training Officer (Signature) (Date)

(Applicant's Signature)

(Date)

(Printed/typed name/Title of applicant's Supervisor/Training Officer)

PLEASE ADVISE CSTI IF YOU HAVE A DISABILITY WHICH SHOULD BE CONSIDERED WHEN MAKING SEATING ASSIGNMENTS, OR SPECIAL DIETARY NEEDS: _____

EMERGENCY NOTIFICATION:

NAME: _____ **RELATIONSHIP:** _____

ADDRESS: _____ **PHONE NO:** _____

PLEASE CIRCLE ONE

- | | | | |
|-----------------------|---------------------------|-------------------------|----------------------|
| 1. Police | 9. Planning | 17. Medical, Hosp/Dr/RN | 25. City (Other) |
| 2. Sheriff | 10. CDF/County Fire | 18. Private Industry | 26. County (Other) |
| 3. Fire | 11. PIO | 19. OES, City/Co/State | 27. State (Other) |
| 4. Highway Patrol | 12. Public Works | 20. Volunteer Agencies | 28. Transportation |
| 5. Military | 13. Parks & Recreation | 21. Schools | 29. Federal Agencies |
| 6. University Police | 14. Legal | 22. Community Services | 30. Airport Police |
| 7. City/County Admin. | 15. University E H & S | 23. Others | |
| 8. Finance | 16. Health, City/Co/State | 24. University (Other) | |

Statement of Physical or Medical Qualification

Subject: **Strenuous & Potential Toxicological Exposure During Haz Mat Training**

Participant Name: _____

1. The above listed participant is physically qualified to participate in training which requires the following:
 - A. The use of positive pressure respirators (S.C.B.A), negative pressure respirators (A.P.R.) and other respiratory protective devices.
 - B. The donning, doffing and wearing of partial and/or fully encapsulating chemical protective clothing for extended durations (up to 1 hour). Including impermeable suit, gloves, boots and other accessories used during field exercises (hazards includes in-suit temperature exceeding 100 Fahrenheit and humidity of 100%). In-suit time of 30 minutes could result in rapid fluid loss up to 5% of total body weight.
 - C. Lifting, carrying and wearing equipment in excess of 35 lbs.
 - D. Possible exposure of small amounts of toxic chemicals during hazard categorization.

Signature ☐ Employer "Or"

Date

Signature ☐ Physician

Date

Comments:

Note: Please *Hand Carry* this note to the first day of class. You will not be allowed to participate in field exercises without a completed original. You may have your employer or physician sign this document!

Instructor Initials

Statement of Physical or Medical Qualification

Subject: **Strenuous Activity During Haz Mat Training**

Participant Name: _____

1. The above listed participant is physically qualified to participate in training which requires the following:
 - A. The use of negative pressure respirators (A.P.R.) and powered air purifying respirators (P.A.P.R.)
 - B. The donning, doffing and wearing of partial and/or fully encapsulating chemical protective clothing for extended durations (up to 1 hour). Including impermeable suit, gloves, boots and other accessories used during field exercises (hazards includes in-suit temperature exceeding 100 Fahrenheit and humidity of 100%). In-suit time of 30 minutes in high heat conditions could result in rapid fluid loss up to 5% of total body weight.
 - C. Lifting, carrying and wearing equipment in excess of 35 lbs.

Signature ☐ Employer "or"

Date

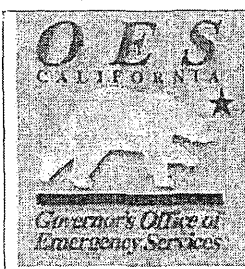
Signature ☐ Physician

Date

Comments:

Note: Please *Hand Carry* this note to the first day of class. **You will not be allowed to participate in field exercises without a completed original. You can have your employer or Physician sign this document!**

Instructor Initials



CSTI
Injury & Accident Form (per CCR Title 19 Safety Policy)

Haz Mat Outreach Coord
P.O. Box 8123
San Luis Obispo, CA 93403-8123
Phone: (805) 549-3534 Fax: (805) 549-3555

Date: _____ Time of Injury: _____

Course Manager: _____ Type of Course: _____
Name of Injured: _____ Home/Work Phone: _____
Home Address: _____
Work Address: _____

Specific activity the student was performing when event occurred:

How injury occurred. Describe sequence of events. Specify object which directly produced the injury:

Location where event occurred: _____

Action Taken (describe treatment): _____

Name & phone number of person(s) providing treatment: _____

If student was transported to hospital give name, address, & phone number of hospital/physician _____

Name and phone number of witnesses: _____

Did the course manager contact the CSTI Haz Mat Section Chief? Yes___ No___

Date and time: _____

Name, title and phone number of person completing this form: _____

Send this form to CSTI within 24 hrs for serious injuries, 10 working days for minor injuries.

NOTE: Authority cited: Section 8574.20(a), Government Code. Reference: Section 8574.20(b), Government Code.

HISTORY

1. New section filed 7-8-91; operative 8-7-91 (Register 91, No. 46).
2. Amendment of section and forms filed 5-12-94; operative 6-13-94 (Register 94, No. 19).
3. New subsection (a)(6), subsection renumbering, new subsections (a)(13)-(15), new forms HM 170, HM 280, HM280C and HM290 and amendment of NOTE filed 12-18-2007; operative 1-17-2008 (Register 2007, No. 51).

§ 2560. Field Training Facility.

- (a) Minimum Requirements
 - (1) A State Certified Hazardous Materials Field Training Facility (FTF) shall have all of the following training aids:
 - (A) Drums that have been designed with leaks of the following types:
 - (i) One Side Void (eg. fork lift or nail puncture);
 - (ii) One Bung Leak (damaged threads); and
 - (iii) One Chine Leak (1/16 holes or saw cut).
 - (B) Drums for sampling:
 - (i) One 1A1 with threaded bung, 55 gal.;
 - (ii) One 1A2 with removable top, 55 gal.; and
 - (iii) One non-operable (weld or braze bungs closed).
 - (C) Overpack:
 - (i) One DOT 49 CFR 173.3 Salvage Drum, 85 gal.;
 - (ii) One DOT 49 CFR 173.3 Salvage Drum, 8 gal.; and
 - (iii) One DOT 49 CFR 173.3 Salvage Drum, polyethylene.
 - (D) One 100-150 lb. Chlorine Container designed for vapor leak from the valve area.
 - (E) One 1-Ton Chlorine Container designed for liquid and vapor leaks from valve and fusible plug. Container shall be designed to allow instructor to change leak from a liquid to a vapor when students roll the container.
 - (F) One Chlorine Tank Dome designed for liquid line, vapor line and safety relief valve leak. One leak should be from vibration opening of valve, one leak from a valve loose in its mount, and one leak from a failed safety relief valve. The tank dome shall be designed to allow the student to read the vapor pressure via one of the vapor lines.
 - (G) One Fixed Bulk Storage Tank (minimum of 200 gallon capacity) with leaks of a type to facilitate the application of a tank bandage.
 - (H) One DOT class MC 306/MC 406 type Tank Truck designed to simulate leak from dome cover on overturned tanker. Tanker must be of sufficient size to allow drilling for stinger operations.
 - (1) One Railroad Tankcar with domes listed below or domes listed below on a simulated Railroad Tankcar. All work shall be done on a platform that is no larger than 64 square feet and at least 10 feet above ground level:
 - (i) One Chlorine Dome meeting requirements specified in Section 2560(a)(1)(F);
 - (ii) One Pressure Dome designed to leak from liquid valve, vapor valve, and failed safety-relief valve. The dome shall be designed to allow students to gauge the liquid level in the tank; and,
 - (iii) One General Service Dome designed to leak from liquid valve.
 - (J) One Storm Drain designed to allow water flow from an outfall line for students to construct an underflow dam to contain hazardous materials.
 - (K) One Piping System designed to leak liquid or vapor on 2-12-inch or larger pipes including the following:
 - (i) Valve, Flange, Weld, and Thread Failures;
 - (ii) Cracked Pipe; and,
 - (iii) Sheared Pipe.
 - (L) Pressure Vessels designed to leak from a valve or valve area including the following:
 - (i) One 100-150 lb Container.
 - (ii) One 1-Ton Container meeting the requirements specified in 2560(a)(1)(E); and,
 - (iii) Two Pressurized Gas Cylinders (e.g., fumigants, acetylene, oxygen).

- (M) One Cargo Box Trailer or Intermodal Container to be used to simulate a traffic accident with mixed cargo involved.
- (2) A State Certified Hazardous Materials Field Training Facility (FTF) shall have adequate supplies of all of the following equipment:
 - (A) Drum-related:
 - (i) Plug and Dike.
 - (ii) Bung Wrench.
 - (iii) Foam Wedges.
 - (iv) Dye.
 - (v) Epoxy Putty.
 - (vi) Grounding and Bonding.
 - (vii) New Bungs.
 - (viii) Speed Wrench and Socket.
 - (ix) Drum Repair Kit.
 - (x) Drum Hand Truck.
 - (xi) Transfer Pump.
 - (xii) Redwood Plugs.
 - (xiii) Drum Lifter.
 - (B) Chlorine-related:
 - (i) A Kit.
 - (ii) B Kit.
 - (iii) C Kit.
 - (iv) Ammonia Atomizer Bottle.
 - (C) Powdered Materials-related:
 - (i) Shovels.
 - (ii) Brooms.
 - (iii) Plastic Bags.
 - (iv) Tarps.
 - (D) Pressurized Gas Cylinders-related:
 - (i) Hand Tools.
 - (ii) Valve Thread Cap.
 - (E) Fixed Storage Tank-related:
 - (i) Patching Kits.
 - (ii) Pneumatic Patching Equipment.
 - (iii) 5-Minute Marine Epoxy.
 - (F) Piping Leaks-related:
 - (i) Pneumatic Patching Equipment.
 - (ii) Patching Kits.
 - (iii) Flange Gaskets.
 - (iv) Bolts and Nuts.
 - (v) Hand Tools.
 - (G) Cargo Tank-related:
 - (i) Dome Clamp (MC 306/406).
 - (ii) Step Ladder.
 - (iii) Pneumatic Drill.
 - (iv) Grounding and Bonding Cables.
 - (v) Grounding Rod.
 - (vi) Stinger.
 - (vii) 4" Hole Saw Drill Bit.
 - (viii) Air Pressure Regulator.
 - (H) Railroad Tankcar-related:
 - (i) Hand Tools.
 - (ii) Pneumatic Tank Patching Equipment.
 - (iii) Ladders (Fire Service Type), minimum 14 ft.
 - (iv) Tool Elevator (rope, bag or bucket, and pulleys).
 - (I) Storm Drain-related:
 - (i) Shovels.
 - (ii) Sheet Plastic.
 - (iii) Wheelbarrows.
 - (iv) Sand.
 - (v) Over/Underflow Pipes (3-8 inches diameter).
 - (vi) Pneumatic Plugs.
 - (J) Absorbents (polar and non-polar type):
 - (i) Pads.
 - (ii) Booms.

- (iii) Pillows.
- (iv) Granular.
- (K) Sampling-related:
 - (i) Colawasa Tube.
 - (ii) Scoops.
 - (iii) Pipettes.
 - (iv) Soil Sample Auger.
 - (v) Plastic ZipLoc-type Bags.
 - (vi) Drum Thief's
 - (vii) Spoons.
 - (viii) Bottles with Seals and Labels.
 - (ix) 1-gallon Paint Cans for Overpack.
- (L) Monitoring-related:
 - (i) CGI.
 - (ii) Oxygen Meter.
 - (iii) Photoionization Detector.
 - (iv) Dosimeters.
 - (v) Radiation Meters.
 - Mr/hr and R/hr.
 - (vi) Colorimetric Tubes.
 - (vii) Field Chemical ID Kit.
 - (viii) Test Papers.
 - (ix) Belt Weather Kit or Mini-Weather Station
- (M) Decontamination-related:
 - (i) Four Containment Pools.
 - (ii) Four Water Wands.
 - (iii) Two Hudson Type Garden Sprayers.
 - (iv) Wash Tubs.
 - (v) Trash Bags (55-gallon type).
 - (vi) Four Garden Hoses or Equivalent.
 - (vii) Tarps.
 - (viii) Brush Assortment.
 - (ix) Sponges.
 - (x) Towels.
 - (xi) Four Astro-Turf (type) Doormats (Pool boot scrub)
- (N) Other:
 - (i) Windsock.
 - (ii) Computer loaded with the following:
 - (a) Cameo
 - (b) Chem Knowledge
 - (c) Chemical Reactivity worksheet
 - (iii) ICS Vests Including:
 - (a) Hazmat Group Supervisor
 - (b) Assistant Safety Officer
 - (c) Entry Team Leader
 - (d) Decon Team Leader
 - (e) Technical Reference Leader
 - (f) Site Access Leader
 - (iv) 20 Traffic Cones
 - (v) Barrier Tape
 - (vi) Bull Horn
- (3) A State Certified Hazardous Materials Field Training Facility (FTF) shall have all of the following reference materials:
 - (A) Chemical Dictionary (Hawley's).
 - (B) Quick Selection Guide to Chemical Protective Clothing (Forsberg/Mansdorf)
 - (C) Handbook Of Reactive Chemical Hazardous (L. Bretherick) or Rapid Guide to Chemical Incompatibilities (Pohanish/Green).
 - (D) CHRIS Manual (U.S. Coast Guard — Printed or Electronic).
 - (E) American Association of Railroads, Emergency Action Guides
 - (F) Emergency Care for Hazardous Materials Exposure (Currence)
 - (G) Farm Chemical Handbook (Meister).
 - (H) Pocket Guide to Chemical Hazards (NIOSH).
 - (I) Emergency Response Guide Book (DOT)
- (4) A State Certified Hazardous Materials Field Training Facility (FTF) shall have all of the following protective clothing:

(A) Level A Suits (adequate supply to assure that no suit is worn twice without first being cleaned and disinfected. Suit must provide total encapsulation.).

(B) Level B Suits (one per student).

(C) Chemical Resistant Boots (one pair per student).

(D) Chemical Resistant Gloves (one pair per student).

(E) Eye Protection (goggles or safety glasses, one pair per student).

(F) Hearing Protection (one set per student).

(G) Air Purifying Respirators (one per student).

(H) Self-Contained Breathing Apparatus Mask (one per student).

(I) Self-Contained Breathing Apparatus (one per every two students).

(5) A State Certified Hazardous Materials Field Training Facility (FTF) shall have an adequate supply of all of the following forms:

(A) ICS Form 201 — Incident Briefing.

(B) ICS Form 202 — Incident Objectives.

(C) ICS Form 206 — Medical Plan

(D) ICS Form 208 — Site Safety Plan

(E) ICS Form 214 — Unit Log.

(6) A State Certified Hazardous Materials Field Training Facility (FTF) shall have all of the following safety items:

(A) First Aid Kit (EMT-1 type).

(B) Emergency Telephone or Radio (to summon paramedic).

(C) Covered Observation Area with sufficient capacity to seat entire class and able to provide protection from the rain and sun.

(D) Flashlights (one per two students).

(E) Emergency Night Lighting sufficient to illuminate entire exercise area.

(7) All leaks generated at a State Certified Hazardous Materials Field Training Facility shall be designed to leak at the approximate gallons-per-minute (and pressure) that would be found in an actual incident.

(8) Student to Instructor/Equipment/etc. Ratios are used in the preceding sections, above, to assure students receive an adequate level of experiential learning. See Section 2540 (d) (5) (B) for information on break-outs and sectional training.

(b) Inspection and Certification Procedures.

(1) Any FTF Coordinator seeking state certification for a FTF shall notify the California Specialized Training Institute Hazardous Materials Section Chief in writing, requesting an inspection.

(2) Upon written request for FTF inspection from any FTF Coordinator, the California Specialized Training Institute Hazardous Materials Section Chief shall notify the Office of the State Fire Marshal Training Division to arrange for a joint inspection within 45 calendar days of receiving the FTF Coordinator's written request.

(3) The FTF Coordinator requesting the inspection shall be notified, in writing, by the California Specialized Training Institute Hazardous Materials Section as to the date and time for the FTF inspection. The FTF Coordinator shall arrange for the proper personnel to be at the FTF to operate equipment and demonstrate that the training aids function as required during the inspection.

(4) FTF inspections shall be conducted jointly by representatives from the California Specialized Training Institute Hazardous Materials Section and the Office of the State Fire Marshal Training Division.

(5) Inspectors shall ensure that all the minimum required equipment and training aids, as defined in Section 2560(a), are present and fully operational. Inspectors shall complete a Field Training Facility Inspection Report (HM form 190), as referenced in Section 2550 and forward it to the California Specialized Training Institute Hazardous Materials Section Chief within 10 working days. Within 10 working days of receiving the inspection report, the California Specialized Training Institute Hazardous Materials Section Chief shall notify the FTF Coordinator, in writing, that the inspected FTF has been approved or denied certification. If the FTF is disapproved, the Section Chief shall forward a written report to the FTF Coordinator specifying the inspected FTF's deficiencies. Once the FTF Coordinator has corrected all of the identified deficiencies, the FTF Coordinator may request another inspection pursuant to this section.

(6) A state certified FTF is required for Hazardous Materials Specialist (1F) and (1G) Courses as referenced in Section 2520(p) and (q).

(7) Any State Certified FTF is subject to unannounced inspection/audits conducted by a faculty member of the California Specialized Training Institute Hazardous Materials Section and/or a designee of the Office of the State Fire Marshal. Unannounced FTF inspection/audits will be conducted in accordance with the procedures established in Section 2540(f).

(8) If any changes occur in the FTF minimum requirements, as referenced in Section 2560(a), then the Chief of the California Specialized Training Institute Hazardous Materials Section is required to notify all FTF Coordinators in writing of said changes within 30 working days. FTF Coordinators shall have 90 working days to make all said changes. Upon completing changes, the FTF Coordinator will notify the Chief of the California Specialized Training Institute Hazardous Materials Section in writing within 30 working days. The Chief of the California Specialized Training Institute Hazardous Materials Section may, at his or her discretion, initiate an FTF inspection to verify compliance with said changes. All changes shall be completed prior to any state certified courses being conducted at the FTF.

(9) Mobile FTFs are subject to all of the same procedures and requirements of a fixed site FTF. Mobile FTFs are required to have all items, as specified in Section 2560(a), at all locations where the Mobile FTF is being used.

(10) The Course Manager shall ensure that the FTF have all training aids and equipment, as required in Section 2560(a), present and operational during the entire course in which the Course Manager is responsible.

(c) Field Training Facility Coordinator

(1) A Field Training Facility Coordinator is a State Certified Hazardous Materials Instructor, as referenced in Section 2530, that is responsible for managing and maintaining a Field Training Facility.

(2) A Field Training Facility Coordinator is responsible for abiding by all procedures specified in Section 2560 and for completing and signing all administrative forms and correspondences pertaining to the FTF.

(3) All Course Managers conducting training at a FTF shall have received prior permission from the Field Training Facility Coordinator. The FTF Coordinator can deny use of the FTF to a Course Manager, if in the FTF Coordinator's opinion, the FTF is inadequately supplied, maintained, or presents any unsafe training conditions.

(4) The Course Managers conducting training at a FTF shall ensure that minimum required equipment, as referenced in Section 2560(a), is present at the FTF.

NOTE: Authority cited: Section 8574.20(a), Government Code. Reference: Section 8574.20(b), Government Code.

HISTORY

1. New section filed 5-12-94; operative 6-13-94 (Register 94, No. 19).
2. Amendment of section and NOTE filed 4-25-2003; operative 5-25-2003 (Register 2003, No. 17).

Subchapter 3. Disaster Service Worker Volunteer Program

Article 1. General

§ 2570. Short Title.

This subchapter shall be known and may be cited as the Disaster Service Worker Volunteer Program (DSWVP) Regulations.

HISTORY

1. New subchapter 3 (articles 1-4), article 1 (sections 2570-2570.2) and section filed 2-8-99; operative 12-15-98. Submitted to OAL for printing only pursuant to Government Code section 8567(d) (Register 99, No. 7).

§ 2570.1. Purpose.

The Legislature has long provided a state-funded program of workers' compensation benefits for disaster service worker volunteers who contribute their services to protect the health and safety and preserve the lives

and property of the people of the state. This program was established to protect such volunteers from financial loss as a result of injuries sustained while engaged in disaster service activities and to provide immunity from liability for such disaster service worker volunteers while providing disaster service.

NOTE: Authority cited: Sections 8587 and 8580, Government Code. Reference: Section 8657, Government Code; and Sections 3211.9-3211.93a, Labor Code.

HISTORY

1. New section filed 2-8-99; operative 12-15-98. Submitted to OAL for printing only pursuant to Government Code section 8567(d) (Register 99, No. 7).

§ 2570.2. Definitions.

(a) Disaster Service Worker.

(a) A disaster service worker is any person registered with a disaster council or the Governor's Office of Emergency Services, or a state agency granted authority to register disaster service workers, for the purpose of engaging in disaster service pursuant to the California Emergency Services Act without pay or other consideration.

(2) Disaster service worker includes public employees, and also includes any unregistered person impressed into service during a state of war emergency, a state of emergency, or a local emergency by a person having authority to command the aid of citizens in the execution of his or her duties.

(3) Exclusion: Disaster service worker does not include any member registered as an active fire fighting member of any regularly organized volunteer fire department, having official recognition, and full or partial support of the county, city, town or district in which such fire department is located.

(b) Disaster Service.

(1) Disaster service means all activities authorized by and carried on pursuant to the California Emergency Services Act, including approved and documented training necessary or proper to engage in such activities.

(2) Exclusion. Disaster service does not include any activities or functions performed by a person if the disaster council with which the person is registered receives a fee or other compensation for the performance of that person's activities or functions.

(c) Training. For purposes of these regulations, training is a planned activity sponsored by a disaster council (or designated agency or authority) and may include classroom instruction, disaster drills or exercises, or related activities that are designed to enhance the disaster response skills (including safety) of the disaster service worker.

(d) Disaster Council. A disaster council is a public agency established by ordinance which is empowered to register and direct the activities of disaster service workers within the area of the county, city, city and county, or any part thereof. In this respect, the disaster council is acting as an instrument of the state in aid of carrying out general state government functions and policy with regard to disaster services.

(e) Accredited Disaster Council. A disaster council may become accredited through certification by the California Emergency Council, or the Governor when the Emergency Council is not meeting, when the disaster council agrees to follow and comply with the rules and regulations established by the Emergency Council pursuant to the provisions of the Emergency Services Act. Upon certification, and not before, the disaster council becomes an accredited disaster council. A disaster council remains accredited only while the certification of the California Emergency Council is in effect and is not revoked.

(f) Auxiliary Fire Fighter. An auxiliary fire fighter is a person recruited, registered and trained as a supplement or reserve for unusual fire emergencies or disaster situations. Workers' compensation benefits for auxiliary fire fighters may be provided by the state. An auxiliary fire fighter is not a "volunteer fire fighter," who is a person recruited and trained to meet the day-to-day operational requirements of a fire department. Workers' compensation insurance premiums for the volunteer fire fighter are the responsibility of the local government or fire entity.

(g) Public Employee. All persons employed by the state or any county, city, city and county, state agency or public district, excluding aliens legally employed, are considered to be public employees.

(h) Convergent Volunteers. Convergent volunteers are individuals that come forward to offer disaster response and recovery volunteer services, during a disaster event. Convergent volunteers are not persons impressed into service at the scene of an incident.

NOTE: Authority cited: Sections 8567 and 8580, Government Code. Reference: Sections 8581, 8610 and 8612, Government Code; and Sections 3100, 3211.9, 3211.91, 3211.93 and 3211.93a, Labor Code.

[The next page is 118.65.]



HISTORY

1. New section filed 2–8–99; operative 12–15–98. Submitted to OAL for printing only pursuant to Government Code section 8567(d) (Register 99, No. 7).

Article 2. Certification of “Accredited” Disaster Council

§ 2571. Accredited Disaster Council.

(a) Disaster councils shall be accredited in accordance with Sections 8581(b) or 8612, Government Code.

(b) When applying for accreditation, disaster councils shall furnish the Governor’s Office of Emergency Services with a certified copy of the ordinance which has provided for the following:

- (1) a disaster council;
- (2) a Chairperson or director of the disaster council;
- (3) an Emergency organization; and,
- (4) compliance with the Emergency Services Act.

NOTE: Authority cited: Sections 8567 and 8580, Government Code. Reference: Sections 8579(g), 8581(b) and 8612, Government Code.

HISTORY

1. New article 2 (section 2571) and section filed 2–8–99; operative 12–15–98. Submitted to OAL for printing only pursuant to Government Code section 8567(d) (Register 99, No. 7).

Article 3. Classifications and General Duties of Disaster Service Worker Volunteers

§ 2572.1. Classifications and General Duties.

The various classifications of disaster service workers and the general duties of the members of each classification shall be limited to those described below:

(a) Animal Rescue, Care and Shelter. Veterinarians, veterinary support staff and animal handlers providing skills in the rescue, clinical treatment, and transportation of all animals, including but not limited to companion animals, livestock, poultry, fish, exhibition animals, zoo animals, laboratory and research animals, and wildlife; assisting in the procurement of shelters, equipment, and supplies; documenting arrival, sheltering, treatment, and discharge or placement of animals.

(b) Communications. Install, operate and maintain various communications systems and perform related service, to assist officials and individuals in the protection of life and property.

(c) Community Emergency Response Team Member. Under the direction of emergency personnel or a designated team leader, assist emergency units within their block, neighborhood, or other area assignment; survey area conditions; disseminate information; secure data desirable for emergency preparedness planning; report incidents; and generally assist officials and individuals in the protection of life and property.

(d) Finance and Administrative Staff. Perform executive, administrative, technical, financial and clerical functions for the emergency organization.

(e) Human Services. Assist in providing food, clothing, bedding, shelter, and rehabilitation aid; register evacuees to promote reuniting families and to support the needs of special populations; compile authoritative lists of deceased and missing persons; and other phases of emergency human services, such as maintaining morale and administering to the mental health, religious or spiritual needs of persons suffering from the effects of the disaster.

(f) Fire. As auxiliary fire fighters or auxiliary wildland fire fighters, assist regular fire fighting forces or fire protection agencies to fight fire, rescue persons, and save property; control forest or wildland fires or fire hazards; instruct residents in fire prevention and property defense methods, methods of detecting fire, and precautions to be observed in reducing fire hazards.

(1) For purposes of these regulations only, the ratios between auxiliary fire fighters, volunteer fire fighters, and paid fire fighters shall be one auxiliary for one volunteer and three volunteers for one paid fire fighter. The basis for applying these ratios is that the staffing of an engine company, truck company, or a squad shall not exceed six paid fire fighters, and a salvage and rescue company shall not exceed two paid fire fighters. A fire department that has no volunteer fire fighters is limited to three auxiliary fire fighters for each paid fire fighter in the companies and squads, staffed as above. These staffing standards are based on the number of first line (not reserve) apparatus operated by the fire department.

(2) When auxiliary fire fighters are registered with other than an established fire service organization; for example, auxiliary fire fighters in a county or city emergency management services organization, a total number of eligible auxiliary fire fighters shall be computed for that city or unincorporated area. The emergency management services organization is entitled to register auxiliary fire fighters not otherwise registered with other established fire service organizations, and to a number not to exceed the allowable total as indicated in Section 2572.1(f)(1), above.

(g) Laborer. Under the direction and supervision of the responding agency, performs general labor services and supports emergency operations.

(h) Law Enforcement. As Auxiliaries, assist law enforcement officers and agencies to protect life and property; maintain law and order; perform traffic control duties; guard buildings, bridges, factories, and other facilities; isolate and report unexploded ordnance.

(i) Logistics. Under the direction of the emergency organization, assist in procurement, warehousing, and release of supplies, equipment materials, or other resources. Assist in mobilization and utilization of public and private transportation resources required for the movement of persons, materials, and equipment.

(j) Medical and Environmental Health. Staff casualty stations, establish and operate medical and public health field units; assist in hospitals, out-patient clinics, and other medical and public health installations; maintain or restore environmental sanitation; assist in preserving the safety of food, milk, and water and preventing the spread of disease; perform laboratory analysis to detect the presence and minimize the effects of nuclear, chemical, biological, radiological or other hazardous agents.

(k) Safety Assessment Inspector. Survey, evaluate and assess damaged facilities for continued occupancy or use; assist in emergency restoration of facilities for utilities, transportation, and other vital community services; and provide recommendations regarding shoring or stabilization of damaged or unsafe buildings or structures.

(l) Search and Rescue. Under the direction of the appropriate authority, perform search and rescue operations in one or more of several areas including: search and rescue; urban search and rescue; or mine and confined space rescue.

(m) Utilities. Assist utility personnel in the repair and restoration of public utilities damaged by disaster.

NOTE: Authority cited: Sections 8587 and 8580, Government Code. Reference: Section 8580, Government Code.

HISTORY

1. New article 3 (sections 2572.1–2572.2) and section filed 2–8–99; operative 12–15–98. Submitted to OAL for printing only pursuant to Government Code section 8567(d) (Register 99, No. 7).

§ 2572.2. Scope of Disaster Service Duties.

Each disaster service worker in any classification shall, without regard to a formal designation or assignment, be considered to be acting within the scope of disaster service duties while assisting any unit of the emergency organization or performing any act contributing to the protection of life or property, or mitigating the effects of an emergency or potential emergency either:

(a) under the authorization of a duly constituted superior in the emergency organization; or,

(b) under the supervision and direction of the American Red Cross while carrying out its programs in consonance with state and local statements of understanding, or in carrying out a mission assigned to that agency by a responsible state or local authority.

NOTE: Authority cited: Sections 8567 and 8580, Government Code. Reference: Section 8580, Government Code.

HISTORY

1. New section filed 2–8–99; operative 12–15–98. Submitted to OAL for printing only pursuant to Government Code section 8567(d) (Register 99, No. 7).

Article 4. Registration and Program Administration

§ 2573.1. Registration and Training.

(a) Registration. A person shall be deemed to be registered if the following information is on file with the Governor's Office of Emergency Services or with the appropriate authority as indicated in Section 2573.2:

- (1) name of registrant;
- (2) address of registrant;
- (3) date enrolled (established as the date the loyalty oath is administered);
- (4) classification of disaster service to which the volunteer is assigned; and,
- (5) a signed statement that the loyalty oath or affirmation was taken or subscribed before an officer authorized to administer oaths.

(b) Training.

(1) Disaster councils may require each person registered as a disaster service worker to satisfactorily complete a course of training or instruction, including periodic refresher training. If warranted by the classification, disaster councils may require documented proof of professional certification or licensing.

(2) The disaster council (or designated agency or authority) shall ensure disaster training is approved, documented and supervised, and shall ensure disaster training is commensurate with the duties of the disaster service worker.

(3) Exclusions: Unless the volunteer is directly providing disaster services, activities that are not covered include parades, public exhibitions, physical fitness training or other training activities not related to disaster service.

NOTE: Authority cited: Sections 8567 and 8580, Government Code. Reference: Section 8580, Government Code.

HISTORY

1. New article 4 (sections 2573.1–2573.3) and section filed 2–8–99; operative 12–15–98. Submitted to OAL for printing only pursuant to Government Code section 8567(d) (Register 99, No. 7).

§ 2573.2. File Retention and Recordkeeping.

(a) Documented proof of the oath or affirmation of any disaster service worker is an integral part of an injury claim for workers' compensation. File retention should follow the same rules as other public personnel records. The oath or affirmation shall be filed as follows:

- (1) State. File as prescribed by the State Department of Personnel Administration within 30 days of the date it was taken or subscribed.
- (2) County. File in the office of the county clerk. The oath may also be filed in either the office of the county auditor or in the office of the clerk of the board of supervisors.
- (3) City. File in the office of the city clerk.
- (4) Other Agencies or Districts. File with an agency or district designated officer or employee.

(b) All registration records shall be available for inspection by any officer or employee of the State Compensation Insurance Fund or of the Governor's Office of Emergency Services.

(c) The personnel officer or other individual designated by the disaster council shall be responsible for keeping the registration current, and for the accuracy and safekeeping of the official registration records.

(d) The California Emergency Council may prescribe additional registration requirements as it may deem necessary.

NOTE: Authority cited: Sections 8567 and 8580, Government Code. Reference: Section 3105, Government Code.

HISTORY

1. New section filed 2–8–99; operative 12–15–98. Submitted to OAL for printing only pursuant to Government Code section 8567(d) (Register 99, No. 7).

§ 2573.3. Worker's Compensation Claims.

(a) Claim Packages. Worker's compensation claims for injuries sustained by disaster service workers while performing disaster service, shall be filed under the same authorities and guidelines as claims filed by paid employees. The claim shall include:

(1) the appropriate claim and employer's report of injury forms as prescribed by the State Compensation Insurance Fund;

(2) a written narrative account of the incident that may include witness statements; and,

(3) a copy of the claimant's current disaster service worker registration form indicating the loyalty oath or affirmation was administered.

(b) Convergent Volunteers. For purposes of obtaining workers' compensation benefits through the disaster service worker program, convergent volunteers will be eligible when the requirements of disaster service worker are met in accordance with these regulations.

NOTE: Authority cited: Sections 8567 and 8580, Government Code. Reference: Section 3211.92 and 5400 et seq., Labor Code; and Section 3102, Government Code.

HISTORY

1. New section filed 2–8–99; operative 12–15–98. Submitted to OAL for printing only pursuant to Government Code section 8567(d) (Register 99, No. 7).

Subchapter 4. Dam Inundation Mapping Procedures

§ 2575. Short Title.

This Subchapter shall be known and may be cited as the Dam Inundation Mapping Procedures Regulations.

NOTE: Authority cited: Sections 8567 and 8586, Government Code. Reference: Section 8589.5, Government Code.

HISTORY

1. New subchapter 4 (sections 2575–2578.2) and section filed 4–2–2002 as an emergency; operative 4–2–2002 (Register 2002, No. 14). A Certificate of Compliance must be transmitted to OAL by 7–31–2002 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 4–2–2002 order transmitted to OAL 7–31–2002; disapproved by OAL and order of repeal filed 9–12–2002 (Register 2002, No. 37).
3. New subchapter 4 (sections 2575–2578.3) and section filed 9–12–2002 as an emergency; operative 9–12–2002 (Register 2002, No. 37). A Certificate of Compliance must be transmitted to OAL by 1–10–2003 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 9–12–2002 order transmitted to OAL 1–7–2003 and filed 2–4–2003 (Register 2003, No. 6).

§ 2575.1. Purpose and Scope of Regulations.

These regulations are adopted to implement the provisions of Government Code Section 8589.5. These regulations provide the standards for producing and submitting an inundation map, acquiring a waiver from the inundation mapping requirement, and administering the program.

These regulations are not applicable to those structures identified as Debris Basins in Department of Water Resources Division of Safety of Dams Bulletin 17–00 dated July 2000 and incorporated by reference herein.

These regulations are not intended to limit the authority of the Governor's Office of Emergency Services or any appropriate public agency to act under the police power of the state, when necessary to protect life and property from a threatened or actual dam failure.

NOTE: Authority cited: Sections 8567 and 8586, Government Code. Reference: Section 8589.5, Government Code.

HISTORY

1. New section filed 4–2–2002 as an emergency; operative 4–2–2002 (Register 2002, No. 14). A Certificate of Compliance must be transmitted to OAL by 7–31–2002 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 4–2–2002 order transmitted to OAL 7–31–2002; disapproved by OAL and order of repeal filed 9–12–2002 (Register 2002, No. 37).
3. New section filed 9–12–2002 as an emergency; operative 9–12–2002 (Register 2002, No. 37). A Certificate of Compliance must be transmitted to OAL by 1–10–2003 or emergency language will be repealed by operation of law on the following day.

4. Certificate of Compliance as to 9–12–2002 order transmitted to OAL 1–7–2003 and filed 2–4–2003 (Register 2003, No. 6).

§ 2575.2. Definitions.

For purposes of this Subchapter only, the terms listed below shall have the meanings noted:

(a) "Alteration": Has the same meaning as specified in Section 6006 of the Water Code.

(b) "Appropriate Public Safety Agency": Any city, city and county, county, state, or other public agency organized, existing, and acting pursuant to the law, which is authorized under the law to exercise police power to establish emergency procedures and effect emergency actions within its jurisdiction.

(c) "Breach": A sudden opening through a dam that drains the reservoir. An uncontrolled breach is one that results in an unintentional discharge from the reservoir.

(d) "Breach elevation": The elevation of the water in a reservoir above sea level at the time of the dam failure using the National Geodetic Vertical Datum of 1929 (NGVD) standard (National Oceanic and Atmospheric Administration, National Geodetic Survey).

(e) "Breach time": The modeled time elapsed from initial dam failure to total dam failure.

(f) "Cross-section": A lower elevation point or linear representation on an inundation map where flood measurements are calculated.

(g) "Dam": Has the same meaning as specified in Sections 6002, 6003, and 6004 of the Water Code.

(h) "Dam Owner": The person, agency, jurisdiction or other legal entity responsible for a dam.

(i) "Debris": Soil, rock, and organic matter carried by the floodwaters that emanate from a watershed.

(j) "Debris Basin": A permanent flood control facility that has the primary purpose of separating debris from the floodwaters and storing the debris for future removal.

(k) "Debris Dam": A dam that has the primary purpose of holding back debris captured in, and stored by the debris basin.

(l) "Deflood time": The time elapsed from the initial failure of the dam until the measured location returns to its preflood water elevation prior to the failure.

(m) "Design Flood": The flood magnitude that a dam will be subject to for analysis in a dam failure study. When a federal survey has been authorized, the design probable maximum flood will be determined by the appropriate federal agency.

(n) "Dynamic Routing": Hydraulic flow routing based on the solution of the St.-Venant equation(s) to compute the changes of discharge and stage with respect to time at various locations along a stream. St.-Venant equations are nonlinear hyperbolic partial differential equations. The equations are derived from mass and momentum balances and are given by

$$\frac{\partial Q}{\partial t} + \left(\frac{gA}{B} - \frac{Q^2}{A^2} \right) \frac{\partial A}{\partial x} - \frac{2Q}{A} \frac{\partial Q}{\partial x} + gA(S_f - \bar{S}) = 0$$

where A is the cross sectional area of the channel, B is the width of the water surface, Q is the flow (discharge), g is the gravity, S_f is the friction slope, and $\bar{S}$ is the mean bed slope. The friction slope is a nonlinear function of the channel geometry. In the above equation it is assumed that the lateral inflow is zero.

(o) "Enlargement": Has the same meaning as specified in Section 6007 of the Water Code.

(p) "Flood": A temporary rise in water surface elevation of one foot or more greater than that existing under pre-dam failure conditions resulting in inundation of areas not normally covered by water as a result of a dam failure.

(q) "Flood Routing": A process of determining progressively the amplitude of a flood wave as it moves past a dam and continues downstream.

(r) "Flood Stage": A flood height at which a watercourse overtops its banks and begins to cause damage to any portion of the defined reach.

(s) "Flood Storage": The retention of water or delay of runoff either by planned operation, as in a reservoir, or by temporary filling of over-flow areas, as in the progression of a flood wave through a natural stream channel.

(t) "Floodwave arrival time": The time counted from the failure of the dam until the arrival of the wave front (or leading edge of the flood wave). A flood wave is a minimum of one (1) foot increase in the level of water above the stream flow or natural surface elevation before the dam failure.

(u) "Floodwave maximum elevation": This is the highest flood stage elevation of the floodwaters as it passes a specific location. Floodwave maximum elevation cannot be less than the normal water elevation prior to the dam failure event because a "no flooding" condition exists.

(v) "Freeboard": Vertical distance between a specified stillwater reservoir surface elevation and the top of the dam, without camber.

(w) "Full": For an on stream dam, the maximum elevation of the water in the reservoir during the Inflow Design Flood (IDF); for an off stream dam, the maximum elevation of the water in the reservoir at the dam crest.

(x) "Hydrograph": A graphical representation of the water discharge with respect to time for a particular point on a stream, river or at the point of breach.

(y) "Inflow Design Flood (IDF)": The flood flow above which the incremental increase in downstream water surface elevation due to failure of a dam or other water impounding structure is no longer considered to present an unacceptable additional downstream threat. The upper limit of the IDF is the probable maximum flood.

(z) "Inundation Area": The area downstream of a dam that would be inundated or otherwise affected by the failure of the dam and accompanying large flood flows.

(aa) "Inundation Map": A map, as specified in Government Code 8589.5, showing the area that would be inundated by flooding from an uncontrolled release of a dam's reservoir.

(bb) "Inundation Pathway": The boundary of the floodwaters released by a dam failure.

(cc) "Office": The Governor's Office of Emergency Services.

(dd) "Overtopping": The mode of dam failure wherein reservoir waters exceed crest elevation and the resultant flow causes failure by dam crest erosion.

(ee) "Peak flow": The water flow expressed in cubic feet per second (cfs) at the floodwave maximum elevation.

(ff) "Probable Maximum Flood (PMF)": The flood that may be expected from the most severe combination of critical meteorological and hydrologic conditions that is reasonably possible in the drainage basin under study.

(gg) "Probable Maximum Precipitation (PMP)": Theoretically, the greatest depth of precipitation for a given duration that is physically possible over a given size storm area at a particular geographical location during a certain time of the year.

(hh) "Qmax": Maximum breach discharge as measured in cubic feet per second (cfs).

(ii) "Reservoir": Has the same meaning as specified in Section 6004.5 of the Water Code.

(jj) "Reservoir Rim": The boundary of the reservoir including all areas along the valley sides above and below the water surface elevation associated with the routing of the IDF.

(kk) "Reservoir storage elevation curve": A reservoir capacity graph representing the elevation above mean sea level and acre feet of water.

(ll) "Retention Basin": A reservoir of variable water storage capacity created by a dam designed to continuously pass flood waters in a controlled manner.

(mm) "Sensitivity Analysis": An analysis in which the relative importance of one or more of the variables thought to have an influence on the phenomenon under consideration is determined.

(nn) "Stillwater Elevation": The maximum elevation that a water surface would assume if all wave actions were absent and there were no outflows from nor inflows into the reservoir.

(oo) "Surcharge": The volume or space in a reservoir between the controlled water retention level and the maximum water level. Flood surcharge cannot be retained in the reservoir but will flow out of the reservoir until the controlled retention water level is reached.

(pp) "Toe of the Dam": The junction of the downstream slope or face of a dam with the ground surface; also referred to as the downstream toe. The junction of the upstream slope with the ground surface is called the heel or the upstream toe.

(qq) "U.S.G.S. Quad": A topographical map produced by the United States Geological Survey with a minimum scale of 1:24,000 feet for a specific geographical area.

(rr) "Water storage elevation": Has the same meaning as specified in Section 6008 of the Water Code.

NOTE: Authority cited: Sections 8567 and 8586, Government Code. Reference: Section 8589.5, Government Code; and Sections 6002, 6003, 6004 and 6025, Water Code.

HISTORY

1. New section filed 4-2-2002 as an emergency; operative 4-2-2002 (Register 2002, No. 14). A Certificate of Compliance must be transmitted to OAL by 7-31-2002 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 4-2-2002 order transmitted to OAL 7-31-2002; disapproved by OAL and order of repeal filed 9-12-2002 (Register 2002, No. 37).
3. New section filed 9-12-2002 as an emergency; operative 9-12-2002 (Register 2002, No. 37). A Certificate of Compliance must be transmitted to OAL by 1-10-2003 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 9-12-2002 order transmitted to OAL 1-7-2003 and filed 2-4-2003 (Register 2003, No. 6).

§ 2576. Notification.

A dam owner shall be notified by the Governor's Office of Emergency Services (hereinafter "Office") of the requirement for an inundation map as soon as the Office is informed of one of the following:

- (a) a "Notice of Application" is filed with The Department of Water Resources, Division of Safety of Dams; or,
- (b) a dam is under construction; or,
- (c) a dam has been completed; or,
- (d) a waiver previously granted by the Office is no longer applicable.

NOTE: Authority cited: Sections 8567 and 8586, Government Code. Reference: Section 8589.5, Government Code.

HISTORY

1. New section filed 4-2-2002 as an emergency; operative 4-2-2002 (Register 2002, No. 14). A Certificate of Compliance must be transmitted to OAL by 7-31-2002 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 4-2-2002 order transmitted to OAL 7-31-2002; disapproved by OAL and order of repeal filed 9-12-2002 (Register 2002, No. 37).
3. New section filed 9-12-2002 as an emergency; operative 9-12-2002 (Register 2002, No. 37). A Certificate of Compliance must be transmitted to OAL by 1-10-2003 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 9-12-2002 order transmitted to OAL 1-7-2003 and filed 2-4-2003 (Register 2003, No. 6).

§ 2576.1. Method of Notification.

(a) Notices under this subchapter shall be in writing and addressed to the dam owner of record as listed with the Department of Water Resources Division of Safety of Dams.

(b) In the event a dam owner fails to maintain a current address with the Division of Safety of Dams or cannot otherwise be contacted for any purpose of this Subchapter, the Office may make notice in any manner legally reasonable to give notice to the dam owner and such notice shall constitute written notice.

NOTE: Authority cited: Sections 8567 and 8586, Government Code. Reference: Section 8589.5, Government Code.

HISTORY

1. New section filed 4-2-2002 as an emergency; operative 4-2-2002 (Register 2002, No. 14). A Certificate of Compliance must be transmitted to OAL by 7-31-2002 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 4-2-2002 order transmitted to OAL 7-31-2002; disapproved by OAL and order of repeal filed 9-12-2002 (Register 2002, No. 37).
3. New section filed 9-12-2002 as an emergency; operative 9-12-2002 (Register 2002, No. 37). A Certificate of Compliance must be transmitted to OAL by 1-10-2003 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 9-12-2002 order transmitted to OAL 1-7-2003 and filed 2-4-2003 (Register 2003, No. 6).

§ 2577. Requirement for Map.

(a) Upon notification by the Office, the dam owner shall prepare a map showing the areas of potential flooding in the event of sudden and total failure of any dam.

(b) A technical study shall be prepared to support each dam failure inundation map submitted for approval under these regulations and conform to the requirements of Section 2577.4.

NOTE: Authority cited: Sections 8567 and 8586, Government Code. Reference: Section 8589.5, Government Code.

HISTORY

1. New section filed 4-2-2002 as an emergency; operative 4-2-2002 (Register 2002, No. 14). A Certificate of Compliance must be transmitted to OAL by 7-31-2002 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 4-2-2002 order transmitted to OAL 7-31-2002; disapproved by OAL and order of repeal filed 9-12-2002 (Register 2002, No. 37).
3. New section filed 9-12-2002 as an emergency; operative 9-12-2002 (Register 2002, No. 37). A Certificate of Compliance must be transmitted to OAL by 1-10-2003 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 9-12-2002 order transmitted to OAL 1-7-2003 and filed 2-4-2003 (Register 2003, No. 6).

§ 2577.1. Responsibility.

Dam owners shall be responsible for:

- (a) The acquisition of all hydrologic, orographic, meteorological and topographical data, including development of flood routing information;
- (b) The conduct of land surveys or studies to properly delineate the flood plain;
- (c) The acquisition or development of any other materials or studies necessary to produce and support a dam failure inundation map;
- (d) The preparation and submittal of an inundation map; and,
- (e) Correcting and resubmitting an inundation map.

NOTE: Authority cited: Sections 8567 and 8586, Government Code. Reference: Section 8589.5, Government Code.

HISTORY

1. New section filed 4-2-2002 as an emergency; operative 4-2-2002 (Register 2002, No. 14). A Certificate of Compliance must be transmitted to OAL by 7-31-2002 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 4-2-2002 order transmitted to OAL 7-31-2002; disapproved by OAL and order of repeal filed 9-12-2002 (Register 2002, No. 37).
3. New section filed 9-12-2002 as an emergency; operative 9-12-2002 (Register 2002, No. 37). A Certificate of Compliance must be transmitted to OAL by 1-10-2003 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 9-12-2002 order transmitted to OAL 1-7-2003 and filed 2-4-2003 (Register 2003, No. 6).

§ 2577.2. Civil Engineering.

Except as otherwise provided for in Section 2577.5(e)(3), inundation maps and technical studies which are submitted to the Office shall be prepared by, or under the direction of, a civil engineer who is registered pursuant to California law and authenticated as provided in the Business and Professions Code, Division 3, Chapter 7 commencing with Section 6700.

NOTE: Authority cited: Sections 8567 and 8586, Government Code. Reference: Section 8589.5, Government Code.

HISTORY

1. New section filed 4-2-2002 as an emergency; operative 4-2-2002 (Register 2002, No. 14). A Certificate of Compliance must be transmitted to OAL by

- 7-31-2002 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 4-2-2002 order transmitted to OAL 7-31-2002; disapproved by OAL and order of repeal filed 9-12-2002 (Register 2002, No. 37).
 3. New section filed 9-12-2002 as an emergency; operative 9-12-2002 (Register 2002, No. 37). A Certificate of Compliance must be transmitted to OAL by 1-10-2003 or emergency language will be repealed by operation of law on the following day.
 4. Certificate of Compliance as to 9-12-2002 order transmitted to OAL 1-7-2003 and filed 2-4-2003 (Register 2003, No. 6).

§ 2577.3. Standard Requirements.

The following are standard requirements for an inundation map:

- (a) A map and technical study shall be submitted to the Office 60 days prior to the filling of any dam under construction or enlargement.
- (b) An inundation map and technical study shall be submitted to the Office within 180 days of the final approval of these regulations for any existing dam not having an approved inundation map, or for which the dam owner has not applied for a waiver.
- (c) A dam owner shall respond to recommendations made by the Office to conform inundation maps to sections 2577.4-2577.5. The response shall be submitted to the Office within 60 days of mailing of such recommendations.
- (d) Failure by the dam owner to comply with a request for information from the Office within 60 days and in a reasonably responsive manner shall be cause for the Office to disapprove an inundation map.
- (e) An inundation map submittal will be considered complete when the Office has received two (2) copies of the completed technical study and map incorporating the recommendations by the Office.
- (f) The Office, for good cause, may extend any time requirement. The Office may additionally forgo any information required for a complete inundation map submittal, including but not limited to the requirements of sections 2577.4-2577.5 where the Office determines that it has sufficient information to commence and complete a review, and that all requirements for issuance of an approval will be met and substantial accuracy will not be compromised by such action.
- (g) Each dam must have its own individual technical study. A technical study may only address multiple dams if it is a situation where it is probable that the failure of one dam will cause the failure of one or more dams downstream.
- (h) The owner of a dam shall submit final copies of inundation maps to the Office within 60 days of notification by the Office that the technical study and map are approved.

NOTE: Authority cited: Sections 8567 and 8586, Government Code. Reference: Section 8589.5, Government Code.

HISTORY

1. New section filed 4-2-2002 as an emergency; operative 4-2-2002 (Register 2002, No. 14). A Certificate of Compliance must be transmitted to OAL by 7-31-2002 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 4-2-2002 order transmitted to OAL 7-31-2002; disapproved by OAL and order of repeal filed 9-12-2002 (Register 2002, No. 37).
3. New section filed 9-12-2002 as an emergency; operative 9-12-2002 (Register 2002, No. 37). A Certificate of Compliance must be transmitted to OAL by 1-10-2003 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 9-12-2002 order transmitted to OAL 1-7-2003 and filed 2-4-2003 (Register 2003, No. 6).

§ 2577.4. Content of Technical Study.

Each technical study submitted in support of an inundation map shall:

- (a) Identify the hydrologic, orographic, meteorological and topographical data affecting the dam site, downstream areas and floodwater routing. The technical study shall present a narrative synopsis of this information.
- (b) Describe the identifying and engineering character of the dam, including but not limited to:
 - (1) Type of construction (e.g., earth fill, rock fill, concrete arch, concrete gravity, hydraulic fill)

(2) Statistical information:

- (A) Name of dam / DWR Number
 - (B) Location of Dam (including County)
 - (C) Elevations using National Geodetic Vertical Datum (NGVD) of:
 1. Downstream toe of dam
 2. Design water storage pool elevation
 3. Maximum flood surcharge elevation
 4. Spillway crest elevation
 5. Crest of dam elevation
 - (3) Capacity in acre-feet at normal water storage pool elevation
 - (4) Surface area in acres at normal water storage pool elevation
 - (5) Capacity in acre-feet at maximum flood surcharge
 - (6) Surface area in acres at maximum flood surcharge
 - (7) Capacity in acre-feet at emergency or open spillway crest
 - (8) Surface area in acres at emergency or open spillway crest
 - (9) Capacity in acre-feet at maximum impound or diverting elevation (crest of dam)
 - (10) Surface area in acres at maximum impound or diverting elevation (crest of dam)
 - (11) Height of dam measured from downstream toe to the crest
 - (12) Jurisdictions (cities, towns, county area) which could be affected by a dam failure
- (c) Include the following graphical representations:
- (1) The flood hydrograph at the dam site and, where feasible, at each downstream cross section location
 - (2) A reservoir storage elevation curve
 - (3) Cross section plots of all the cross sections including bank locations
 - (4) The dam break hydrographs routed to each cross section should specify the flood arrival time, flooding time, flood-wave maximum elevation, peak time and deflood time
 - (d) Use worst case breaching parameters based on National Weather Service breaching guidance. (Fread, D.L. (1988). The NWS DAMBRK model: Theoretical background and user documentation, HRL-258, Hydrological Research Laboratory, National Weather Service, Silver Spring, Maryland 20910), and incorporated by reference herein.
 - (e) Employ dynamic flood routing models where routing is a factor or may use hydrological models where routing is not a factor.
 - (f) Identify the modeling methodology and the reasons for its use, and the name and author of the modeling software. The technical study shall also include the input and output data files.
 - (g) Identify the downstream hazard potential. The hazard potential is the adverse impacts in the area downstream of a dam by the effect of floodwaters released by partial or complete failure of the dam.

NOTE: Authority cited: Sections 8567 and 8586, Government Code. Reference: Section 8589.5, Government Code.

HISTORY

1. New section filed 4-2-2002 as an emergency; operative 4-2-2002 (Register 2002, No. 14). A Certificate of Compliance must be transmitted to OAL by 7-31-2002 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 4-2-2002 order transmitted to OAL 7-31-2002; disapproved by OAL and order of repeal filed 9-12-2002 (Register 2002, No. 37).
3. New section filed 9-12-2002 as an emergency; operative 9-12-2002 (Register 2002, No. 37). A Certificate of Compliance must be transmitted to OAL by 1-10-2003 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 9-12-2002 order transmitted to OAL 1-7-2003 and filed 2-4-2003 (Register 2003, No. 6).

§ 2577.5. Content of Map.

Each map prepared shall be based on the results of the technical study conducted pursuant to Section 2577.4. Each map or map set submitted shall:

- (a)(1) Be a black line reproduction measuring 24 inches by 30 inches for the review copies and two reproducible copies measuring 24 inches by 30 inches for the final approved copy.
- (2) Alternatively, a map may be submitted in an electronic or machine-readable format which, after consultation with and approval by the

Office, is consistent with the intent of this section and meets the specifications thereof.

(b)(1) Be based on a U.S.G.S. quadrangle topographical map with a minimum scale of 1:24,000 (1 inch equals 2,000 feet).

(2) A larger scale may be used if the inundation area can be reasonably presented on a 24 inch by 30 inch map sheet and sufficient identifiable geographic identification points exist to reference the area in scale to other geographical points.

(c) Delineate the lateral boundary and termination of the inundation area. The boundary is terminated where floodwaters become less than one (1) foot above the elevation existing before the dam failure and the water velocity is less than 8.8 feet per second. Alternatively, the boundary at which the inundation area may be terminated may be into an existing body of water or channel, provided the dam breach flood discharge does not increase the water elevation by greater than one (1) foot above the flood stage that would have occurred under non-breach conditions or cause additional downstream cumulative impacts.

(d) Contain cross-sections located along the floodway at appropriate intervals indicating the following information:

- (1) Sequential cross section number,
- (2) Distance from dam,
- (3) Flood-wave arrival time,
- (4) Flood-wave maximum elevation,
- (5) Deflood time and,
- (6) Peak flow.

(e) Have an information block at the bottom of each map page and segmented to contain the following information:

(1) A block allowing the notation of revisions, the person and date the revision was performed and the person and date of acceptance of the revision of the map,

(2) A block containing the owner's name, address, telephone number and the date of preparation of the map,

(3) A block containing the name of the civil engineer, the engineering firm, address and telephone number. A portion of this block will be reserved for the signature, seal and Registered Civil Engineer number of the approving individual upon final approval of the map. Alternately, an authorized governmental agency pursuant to section 2577.2 may state the agency name, address and telephone number in lieu of engineer information and seal and,

(4) A block containing the name of the dam, the Department of Water Resources jurisdictional dam number and sheet number in the set stated as "Sheet __ of ____." The lower portion of this block will indicate the name of the county in which the dam is located.

(f) Contain an inset block on the face of the map depicting therein:

- (1) An arrow indicating north,
- (2) A scale segmented to show the 6,000 foot distance, the 4,000 foot distance, the 1,000 foot distance and the 500 foot distance, as applicable,
- (3) A vicinity map of jurisdiction affected by the inundation area,
- (4) The name of the U.S.G.S. quadrangle(s),
- (5) The identity of any jurisdictions affected by the inundation area,
- (6) An index showing the relationship of the map sheet to the other map sheets if the map is greater than one sheet and,
- (7) Other explanatory information as may be warranted.

NOTE: Authority cited: Sections 8567 and 8586, Government Code. Reference: Section 8589.5, Government Code.

HISTORY

1. New section filed 4-2-2002 as an emergency; operative 4-2-2002 (Register 2002, No. 14). A Certificate of Compliance must be transmitted to OAL by 7-31-2002 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 4-2-2002 order transmitted to OAL 7-31-2002; disapproved by OAL and order of repeal filed 9-12-2002 (Register 2002, No. 37).
3. New section filed 9-12-2002 as an emergency; operative 9-12-2002 (Register 2002, No. 37). A Certificate of Compliance must be transmitted to OAL by 1-10-2003 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 9-12-2002 order transmitted to OAL 1-7-2003 and filed 2-4-2003 (Register 2003, No. 6).

§ 2577.6. Enlargement of Dams.

(a) When the Division of Safety of Dams provides notice to the Office of the enlargement of a dam or reservoir, the Office shall provide written notice to the dam owner of the requirements of this section.

(b) The dam owner shall provide an analysis to the Office within 90 days after receipt of notice from the Office. The analysis will address changes to the inundation area caused by the enlargement of the dam or reservoir and evaluate the applicability of the existing inundation map.

(c) Information required of the dam owner pursuant to this section shall be provided in sufficient clarity and detail to be readily interpreted and studied, and to permit an evaluation of the effect(s) of the proposed changes.

(d) The Office may require the submittal of any information, in addition to that specified in this section, that the Office considers necessary to determine the effects of the enlarged dam or reservoir on the existing inundation boundary.

(e) The need for a new inundation map shall be evaluated by the Office using the criteria identified in sections §2577.4 and §2577.5(c) and the analysis submitted in (b) above.

(f) If the Office determines that a new inundation map is required, this Subchapter shall apply.

NOTE: Authority cited: Sections 8567 and 8586, Government Code. Reference: Section 8589.5, Government Code.

HISTORY

1. New section filed 4-2-2002 as an emergency; operative 4-2-2002 (Register 2002, No. 14). A Certificate of Compliance must be transmitted to OAL by 7-31-2002 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 4-2-2002 order transmitted to OAL 7-31-2002; disapproved by OAL and order of repeal filed 9-12-2002 (Register 2002, No. 37).
3. New section filed 9-12-2002 as an emergency; operative 9-12-2002 (Register 2002, No. 37). A Certificate of Compliance must be transmitted to OAL by 1-10-2003 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 9-12-2002 order transmitted to OAL 1-7-2003 and filed 2-4-2003 (Register 2003, No. 6).

§ 2577.7. Notice of Noncompliance.

(a) When the dam owner fails to provide the inundation map as requested by the Office or fails to secure a waiver from the inundation mapping requirement within the times prescribed in this Subchapter, the Office shall notify the dam owner in writing that the dam owner is in noncompliance with the provisions of this Subchapter.

(b) Approval of an inundation map may be revoked when the inundation map no longer meets the requirements of section 2577.4-2577.5 and is no longer an accurate emergency planning document. Upon notification of noncompliance by the Office, the dam owner shall be required to submit a new inundation map and technical study in compliance with section 2577.4-2577.5 within 180 days.

NOTE: Authority cited: Sections 8567 and 8586, Government Code. Reference: Section 8589.5, Government Code.

HISTORY

1. New section filed 4-2-2002 as an emergency; operative 4-2-2002 (Register 2002, No. 14). A Certificate of Compliance must be transmitted to OAL by 7-31-2002 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 4-2-2002 order transmitted to OAL 7-31-2002; disapproved by OAL and order of repeal filed 9-12-2002 (Register 2002, No. 37).
3. New section filed 9-12-2002 as an emergency; operative 9-12-2002 (Register 2002, No. 37). A Certificate of Compliance must be transmitted to OAL by 1-10-2003 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 9-12-2002 order transmitted to OAL 1-7-2003 and filed 2-4-2003 (Register 2003, No. 6).

§ 2577.8. Notice of Approval.

The Office shall notify the dam owner in writing that an inundation map is approved or not approved and the reason(s) therefor.

NOTE: Authority cited: Sections 8567 and 8586, Government Code. Reference: Section 8589.5, Government Code.

HISTORY

1. New section filed 4-2-2002 as an emergency; operative 4-2-2002 (Register 2002, No. 14). A Certificate of Compliance must be transmitted to OAL by 7-31-2002 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 4-2-2002 order transmitted to OAL 7-31-2002; disapproved by OAL and order of repeal filed 9-12-2002 (Register 2002, No. 37).
3. New section filed 9-12-2002 as an emergency; operative 9-12-2002 (Register 2002, No. 37). A Certificate of Compliance must be transmitted to OAL by 1-10-2003 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 9-12-2002 order transmitted to OAL 1-7-2003 and filed 2-4-2003 (Register 2003, No. 6).

§ 2578. Waiver from Inundation Map Requirement.

Up to 90 days after notice pursuant to section 2576, a dam owner may apply for a waiver from producing an inundation map where:

- (a) The effects of potential inundation in terms of death or personal injury can be ascertained without an inundation map; and,
- (b) Adequate evacuation procedures can be developed without benefit of an inundation map.

NOTE: Authority cited: Sections 8567 and 8586, Government Code. Reference: Section 8589.5, Government Code.

HISTORY

1. New section filed 4-2-2002 as an emergency; operative 4-2-2002 (Register 2002, No. 14). A Certificate of Compliance must be transmitted to OAL by 7-31-2002 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 4-2-2002 order transmitted to OAL 7-31-2002; disapproved by OAL and order of repeal filed 9-12-2002 (Register 2002, No. 37).
3. New section filed 9-12-2002 as an emergency; operative 9-12-2002 (Register 2002, No. 37). A Certificate of Compliance must be transmitted to OAL by 1-10-2003 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 9-12-2002 order transmitted to OAL 1-7-2003 and filed 2-4-2003 (Register 2003, No. 6).

§ 2578.1. Application for Waiver.

When requesting a waiver, the dam owner shall make application in writing to the Office. The letter of request shall include at a minimum:

- (a) The name, address and telephone number of the dam owner; and,
- (b) The location of the dam upon a U.S.G.S. Quadrangle map; and,
- (c) Information in owner's possession as specified in section 2577.4(b).

NOTE: Authority cited: Sections 8567 and 8586, Government Code. Reference: Section 8589.5, Government Code.

HISTORY

1. New section filed 4-2-2002 as an emergency; operative 4-2-2002 (Register 2002, No. 14). A Certificate of Compliance must be transmitted to OAL by 7-31-2002 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 4-2-2002 order transmitted to OAL 7-31-2002; disapproved by OAL and order of repeal filed 9-12-2002 (Register 2002, No. 37).
3. New section filed 9-12-2002 as an emergency; operative 9-12-2002 (Register 2002, No. 37). A Certificate of Compliance must be transmitted to OAL by 1-10-2003 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 9-12-2002 order transmitted to OAL 1-7-2003 and filed 2-4-2003 (Register 2003, No. 6).

§ 2578.2. Local Consultation.

The Office will notify the appropriate public safety agencies of the affected local jurisdictions and consult to determine if local emergency evacuation procedures can be developed without an inundation map.

NOTE: Authority cited: Sections 8567 and 8586, Government Code. Reference: Section 8589.5, Government Code.

HISTORY

1. New section filed 4-2-2002 as an emergency; operative 4-2-2002 (Register 2002, No. 14). A Certificate of Compliance must be transmitted to OAL by

7-31-2002 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 4-2-2002 order transmitted to OAL 7-31-2002; disapproved by OAL and order of repeal filed 9-12-2002 (Register 2002, No. 37).
3. New section filed 9-12-2002 as an emergency; operative 9-12-2002 (Register 2002, No. 37). A Certificate of Compliance must be transmitted to OAL by 1-10-2003 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 9-12-2002 order transmitted to OAL 1-7-2003 and filed 2-4-2003 (Register 2003, No. 6).

§ 2578.3. Notice of Determination.

The Office shall notify the dam owner in writing that the request for a waiver from the inundation mapping requirement was either approved, continued or withdrawn.

HISTORY

1. New section filed 9-12-2002 as an emergency; operative 9-12-2002 (Register 2002, No. 37). A Certificate of Compliance must be transmitted to OAL by 1-10-2003 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 9-12-2002 order transmitted to OAL 1-7-2003 and filed 2-4-2003 (Register 2003, No. 6).

Chapter 3. Office of Emergency Services—Conflict of Interest Code

NOTE: It having been found, pursuant to Government Code Section 11409(a), that the printing of the regulations constituting the Conflict of Interest Code is impractical and these regulations being of limited and particular application, these regulations are not published in full in the California Code of Regulations. The regulations are available to the public for review or purchase at cost at the following locations:

OFFICE OF EMERGENCY SERVICES
2800 MEADOWVIEW ROAD
SACRAMENTO, CALIFORNIA 95823

FAIR POLITICAL PRACTICES COMMISSION
1100 "K" STREET
SACRAMENTO, CALIFORNIA 95814

ARCHIVES
SECRETARY OF STATE
1010 "O" STREET
SACRAMENTO, CALIFORNIA 95814

The Conflict of Interest Code is designated as Chapter 3 of Division 8 of Title 2 of the California Code of Regulations, and consists of sections numbered and titled as follows:

CHAPTER 3. OFFICE OF EMERGENCY SERVICES— CONFLICT OF INTEREST CODE

Section
2600. General Provisions
Appendix

NOTE: Authority cited: Sections 87300 and 87304, Government Code. Reference: Sections 87300 et seq., Government Code.

HISTORY

1. Editorial renumbering of title 2, chapter 3 (sections 24000-24015) to title 19, subchapter 2 (sections 2600-2615) (Register 78, No. 10).
2. Repealer of subchapter 2 (sections 2600-2615, not consecutive) and new subchapter 2 (section 2600 and Appendix) filed 2-26-81; effective thirtieth day thereafter. Approved by Fair Political Practices Commission 12-1-80 (Register 81, No. 9).
3. Amendment of section filed 7-15-92; operative 8-14-92. Submitted to OAL for printing only pursuant to Government Code section 11344 (Register 92, No. 29).
4. Amendment of chapter heading filed 8-3-94; operative 9-2-94 (Register 94, No. 31).
5. Editorial correction (Register 96, No. 9).
6. Amendment of Appendix filed 2-27-96; operative 3-28-96. Approved by Fair Political Practices Commission 1-2-96 (Register 96, No. 9).
7. Editorial correction (Register 96, No. 18).
8. Amendment of Appendix filed 6-8-98; operative 7-8-98. Approved by Fair Political Practices Commission 4-6-98 (Register 98, No. 24).
9. Amendment of General Provisions and Appendix filed 10-1-2007; operative 10-31-2007. Approved by Fair Political Practices Commission 8-22-2007 (Register 2007, No. 40).

Chapter 4. Hazardous Material Release Reporting, Inventory, and Response Plans

Article 1. Definitions

§ 2620. Control.

“Control” means any actions necessary to stop, prevent, abate, or mitigate a release or threatened release thereby ensuring the elimination of a condition of substantial probability of harm to human health and safety, property, or the environment.

NOTE: Authority cited: Section 25520, Health and Safety Code. Reference: Sections 25503(b)(5), 25507 and 25520, Health and Safety Code.

HISTORY

1. New subchapter 3 (articles 1 and 2, sections 2620–2703, not consecutive) filed 1–17–86 as an emergency; effective upon filing (Register 86, No. 4). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5–19–86. ED. NOTE: Editorial renumbering of subchapter 1 (sections 2420–2503, not consecutive) to subchapter 3 (sections 2620–2703, not consecutive) for technical reasons.
2. Certificate of Compliance including amendment of section 2703(c) transmitted to OAL 5–16–86 and filed 6–16–86 (Register 86, No. 25).
3. Amendment of chapter heading filed 8–3–94; operative 9–2–94 (Register 94, No. 31).

§ 2650. Person.

“Person” means any employee, authorized representative, agent or designee of a handler.

NOTE: Authority cited: Section 25520, Health and Safety Code. Reference: Sections 25507, 25515 and 25520, Health and Safety Code.

§ 2660. Pesticide Drift Exposure Incident.

“Pesticide drift exposure incident” means an unintended airborne transport of a pesticide to non–target areas, potentially resulting in exposures that could affect public health and safety and the environment. For the purposes of this Chapter, the term “pesticide” has the same meaning as “pesticide”, as defined in the Food and Agricultural Code, Section 12753.

NOTE: Authority cited: Section 25503, Health and Safety Code; and Section 12997.7, Food and Agricultural Code. Reference: Sections 12753 and 12997.7, Food and Agricultural Code.

HISTORY

1. New section filed 4–23–2008; operative 5–23–2008 (Register 2008, No. 17).

Article 2. Reporting Requirements

§ 2701. Applicability.

The provisions of this subchapter shall not, in any way, preempt more restrictive reporting requirements pursuant to other local, state, or federal ordinances, statutes, or regulations.

Pursuant to Section 23112.5 of the Vehicle Code, reporting of on–highway releases shall be made to the Department of the California Highway Patrol.

NOTE: Authority cited: Section 25520, Health and Safety Code. Reference: Section 25520, Health and Safety Code.

§ 2703. Immediate Reporting of a Release or a Threatened Release.

(a) A person shall provide an immediate, verbal report of any release or threatened release of a hazardous material to the administering agency and the Office of Emergency Services* as soon as:

- (1) a person has knowledge of the release or threatened release;
- (2) notification can be provided without impeding immediate control of the release or threatened release;
- (3) notification can be provided without impeding immediate emergency medical measures.

(b) The immediate reporting pursuant to subsection (a) of this section shall include, as a minimum:

- (1) the exact location of the release or threatened release;
- (2) the name of the person reporting the release or threatened release;
- (3) the hazardous materials involved in the release or threatened release;
- (4) an estimate of the quantity of hazardous materials involved; and
- (5) if known, the potential hazards presented by the hazardous material involved in the release or threatened release;

(c) The immediate reporting pursuant to subsection (a) of this section shall not be required if there is a reasonable belief that the release or threatened release poses no significant present or potential hazard to human health and safety, property, or the environment.

(d) Immediate reporting pursuant to subsection (a) of this section shall be made to the Office of Emergency Services, at telephone number (916) 845–8911 or (800) 852–7550, and to the local administering agency. The administering agency may designate a call to the 911 emergency number as meeting the requirement to call the administering agency.

(e) The notifications in subsection (d) shall constitute compliance with the requirements of subdivision (b) of section 11004 of title 42 of the United States Code (1989) regarding verbal notification of the State Emergency Planning Commission and the Local Emergency Planning Committee.

* For additional guidance on notification procedures, consult the State of California Hazardous Material Incident Contingency Plan (HMICP).

NOTE: Authority: Sections 25503, 25503.1 and 25520, Health and Safety Code. Reference: Sections 25503(b)(4), 25503.1, 25507, 25518 and 25520, Health and Safety Code.

HISTORY

1. Certificate of Compliance as to 1–17–86 order including amendment of subsection (c) transmitted to OAL 5–16–86 and filed 6–16–86 (Register 86, No. 25).
2. Amendment of subsection (d) and new subsection (e) filed 9–20–90; operative 10–20–90 (Register 90, No. 45).
3. Amendment of subsection (d) filed 4–30–96; operative 4–30–96 pursuant to Government Code section 11343.4(d) (Register 96, No. 18).
4. Change without regulatory effect amending subsection (d) filed 3–1–2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 9).

[The next page is 119.]

§ 2705. Written Reporting of Emergency Releases.

(a) If required to submit a written emergency release follow-up notice pursuant to 42 U.S.C. section 11004(c) (1989), or as that section may be subsequently amended, a business shall prepare the written emergency release follow-up notice using the form specified in subsection (c) of this section.

(b) A written emergency release follow-up notice prepared pursuant to subsection (a) shall be sent to the Chemical Emergency Planning and

Response Commission (CEPRC) at 3650 Schriever Avenue, Mather, CA 95655. This written report shall be sent as soon as practicable following a release, but no later than 30 days from the date of the release.

(c) The following reporting form (with instructions), the 'Emergency Release Follow-up Notice Reporting Form,' shall be used for filing the written emergency release follow-up notice required by subsection (a) of this section. This form may be reproduced, as needed.

EMERGENCY RELEASE FOLLOW-UP NOTICE REPORTING FORM

A	BUSINESS NAME	FACILITY EMERGENCY CONTACT & PHONE NUMBER ()	
B	INCIDENT DATE MO DAY YR 	TIME OES NOTIFIED (use 24 hr time) 	OES CONTROL NO
C	INCIDENT 	CITY/COMMUNITY 	COUNTY ZIP
	CHEMICAL OR TRADE NAME (print or type)		CAS Number
D	CHECK IF CHEMICAL IS LISTED IN 40 CFR 355, APPENDIX A ☐		CHECK IF RELEASE REQUIRES NOTIFICATION UNDER 42 U.S.C. § 9603(a) ☐
	PHYSICAL STATE CONTAINED ☐ SOLID ☐ LIQUID ☐ GAS	PHYSICAL STATE RELEASED ☐ SOLID ☐ LIQUID ☐ GAS	QUANTITY RELEASED
	ENVIRONMENTAL CONTAMINATION ☐ AIR ☐ WATER ☐ GROUND ☐ OTHER	TIME OF RELEASE	DURATION OF RELEASE _____ DAYS _____ HOURS _____ MINUTES
E	ACTIONS TAKEN _____ _____ _____ _____ _____ _____ _____ _____		
F	KNOWN OR ANTICIPATED HEALTH EFFECTS (Use the comments section for additional information) ☐ ACUTE OR IMMEDIATE (explain) _____ ☐ CHRONIC OR DELAYED (explain) _____ ☐ NOT KNOWN (explain) _____		
G	ADVICE REGARDING MEDICAL ATTENTION NECESSARY FOR EXPOSED INDIVIDUALS _____ _____ _____		
H	COMMENTS INDICATE SECTION (A-G) AND ITEM WITH COMMENTS OR ADDITIONAL INFORMATION _____ _____ _____ _____		
I	CERTIFICATION: I hereby certify under penalty of law that I have personally examined and I am familiar with the information submitted and believe the submitted information is true, accurate, and complete. REPORTING FACILITY REPRESENTATIVE (print or type) _____ SIGNATURE OF REPORTING FACILITY REPRESENTATIVE _____ DATE _____		

**EMERGENCY RELEASE FOLLOW-UP NOTICE
REPORTING FORM INSTRUCTIONS****GENERAL INFORMATION:**

Chapter 6.95 of Division 20 of the California Health and Safety Code requires that written emergency release follow-up notices prepared pursuant to 42 U.S.C. § 11004, be submitted using this reporting form. Non-permitted releases of reportable quantities of Extremely Hazardous Substances (listed in 40 CFR 355, appendix A) or of chemicals that require release reporting under section 103(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 [42 U.S.C. § 9603(a)] must be reported on the form, as soon as practicable, but no later than 30 days, following a release. The written follow-up report is required in addition to the verbal notification.

BASIC INSTRUCTIONS:

- The form, when filled out, reports follow-up information required by 42 U.S.C § 11004. Ensure that all information requested by the form is provided as completely as possible.
- If the incident involves reportable releases of more than one chemical, prepare one report form for each chemical released.
- If the incident involves a series of separate releases of chemical(s) at different times, the releases should be reported on separate reporting forms.

SPECIFIC INSTRUCTIONS:

Block A: Enter the name of the business and the name and phone number of a contact person who can provide detailed facility information concerning the release.

Block B: Enter the date of the incident and the time that verbal notification was made to OES. The OES control number is provided to the caller by OES at the time verbal notification is made. Enter this control number in the space provided.

Block C: Provide information pertaining to the location where the release occurred. Include the street address, the city or community, the county and the zip code.

Block D: Provide information concerning the specific chemical that was released. Include the chemical or trade name and the Chemical Abstract Service (CAS) number. Check all categories that apply. Provide best available information on quantity, time and duration of the release.

Block E: Indicate all actions taken to respond to and contain the release as specified in 42 U.S.C. § 11004(c).

Block F: Check the categories that apply to the health effects that occurred or could result from the release. Provide an explanation or description of the effects in the space provided. Use Block H for additional comments/information if necessary to meet requirements specified in 42 U.S.C. § 11004(c).

Block G: Include information on the type of medical attention required for exposure to the chemical released. Indicate when and how this information was made available to individuals exposed and to medical personnel, if appropriate for the incident, as specified in 42 U.S.C. § 11004(c).

Block H: List any additional pertinent information.

Block I: Print or type the name of the facility representative submitting the report. Include the official signature and the date that the form was prepared.

MAIL THE COMPLETED REPORT TO:

Chemical Emergency Planning and Response Commission (CEPRC)

Local Emergency Planning Committee (LEPC)

Attn: Section 304 Reports

3650 Schriever Avenue

Mather, CA 95655

NOTE: Authority cited: Sections 25503, 25503.1 and 25507.1, Health and Safety Code. Reference: Sections 25503(b)(4), 25503.1, 25507.1, 25518 and 25520, Health and Safety Code.

2. Change without regulatory effect amending subsection (b) and Form filed 3-1-2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 9).

HISTORY:

1. New section filed 9-20-90; operative 10-20-90 (Register 90, No. 45).

Article 3. Minimum Standards for Area Plans

§ 2720. Proposed Area Plans.

The proposed area plan, as required by Section 25503(d) of the Health and Safety Code, shall include:

(a) a description of the extent to which the administering agency has met the requirements of this Article, and a schedule for implementing the final area plan, by December 29, 1987, to include the provisions of Sections 2722–2736 of this Article;

(b) provisions for integrating, in the final area plan, information from business plans submitted by handlers within the jurisdiction of an administering agency;

(c) protocols for responses to pesticide drift exposure incidents; and

(d) a form providing information on the elements within the area plan, substantially equivalent to the following optional model reporting form for area plans.

NOTE: Authority cited: Sections 25503 and 25517.5, Health and Safety Code; and Section 12997.7, Food and Agricultural Code. Reference: Section 25503, Health and Safety Code; and Section 12997.7, Food and Agricultural Code.

HISTORY

1. New section filed 7–30–86; operative 8–29–86 (Register 86, No. 31).
2. Amendment of subsections (a) and (b) and new subsection (c) filed 9–12–86 as an emergency; operative 9–12–86 (Register 86, No. 37). A Certificate of Compliance must be transmitted no later than 1–12–87 or emergency language will be repealed by operation of law (Gov. C. 11346.1).
3. Certificate of Compliance transmitted to OAL 1–7–87 and filed 2–6–87 (Register 87, No. 6).
4. Amendment of subsection (a) filed 9–17–87 as an emergency; operative 9–17–87 (Register 87, No. 38). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1–15–88.
5. Reinstatement of subsection (a) as it existed prior to emergency amendment filed 9–17–87 pursuant to Government Code Section 11346.1(f) (Register 89, No. 51).
6. Amendment of subsection (b), new subsection (c), subsection relettering and amendment of NOTE filed 4–23–2008; operative 5–23–2008 (Register 2008, No. 17).

OPTIONAL MODEL REPORTING FORM - AREA PLAN			
CHECKLIST for AREA PLAN ELEMENT and reference section	ELEMENT ATTACHED	ELEMENT NOT PROVIDED, JUSTIFICATION ATTACHED	PROPOSED DATE FOR COMPLETION
§ 2722-EMERGENCY RESPONSE PROCEDURES			
Approach, Recognition & Evaluation			
Personnel Monitoring & Decontamination			
Equipment Monitoring & Decontamination			
§ 2723 - PREEMERGENCY PLANNING			
Pre-Incident Site Surveys			
Planning & Coordination			
Emergency Funding Access			
Disposal Facility Access			
Emergency Response Contractor Access			
Integrated Response Management System			
§ 2724-NOTIFICATION & COORDINATION			
Notification & Coordination			
Emergency Communications			
Responsibility Matrix			
OES Notification			
§ 2725 - TRAINING			
Emergency Response Personnel Training			
Training Documentation			
Training Exercises			
§ 2726-PUBLIC SAFETY & INFORMATION			
Site Perimeter Security			
Safety Procedure Information			
Information Release Responsibility			
Medical Notification			
Evacuation Plans			
§ 2727 - SUPPLIES & EQUIPMENT			
Listing & Description			
Testing & Maintenance			
§ 2728-INCIDENT CRITIQUE & FOLLOWUP			

§ 2721. Area Plan Maintenance.

NOTE: Authority cited: Section 25503, Health and Safety Code. Reference: Section 25503, Health and Safety Code.

(New section filed 7–30–86, operative 8–29–86; Register 86, No. 31).

(Repealer filed as an emergency 9–12–86, operative 9–12–86; Certificate of Compliance must be transmitted no later than 1–12–87, or emergency language will be repealed by operation of law (Gov. C. § 11346.1); Register 86, No. 37).

HISTORY

1. Certificate of Compliance transmitted to OAL 1–7–87 and filed 2–6–87 (Register 87, No. 6).

§ 2722. Procedures and Protocols for Emergency Rescue Personnel.

Area plans shall include procedures and protocols to ensure the health and safety of emergency response personnel, such as, but not limited to:

(a) guidelines for approach, recognition, and evaluation of releases and threatened releases of hazardous materials by emergency response personnel; and

(b) monitoring and decontamination guidelines for emergency response personnel and equipment.

NOTE: Authority cited: Section 25503, Health and Safety Code. Reference: Section 25503, Health and Safety Code.

HISTORY

1. New section filed 7–30–86; effective thirtieth day thereafter (Register 86, No. 31).
2. Editorial renumbering of former Section 2722 to Section 2721 and Section 2724 to Section 2722 (Register 86, No. 37).

§ 2723. Pre-Emergency Planning.

Area plans shall include, but not be limited to:

(a) provisions for pre-incident surveys of business sites by first responders for the purpose of site familiarization, if deemed necessary by the administering agency;

(b) provisions for pre-emergency planning and coordination among emergency responders within the jurisdiction of an administering agency. Pre-emergency planning shall include coordination of emergency response and emergency assistance between contiguous jurisdictions;

(c) procedures to access local, state and federal funding and emergency response assistance; and

(d) procedures, developed in consultation with the Local Health Officer, to inform medical providers regarding eligibility for reimbursement pursuant to Section 12997.5 of the Food and Agricultural Code, where applicable;

(e) provisions for access to state approved and permitted hazardous waste disposal facilities and emergency response contractors;

(f) development of an integrated response management system providing standardized organizational structure, terminology, and procedures for use during any release or threatened release of hazardous materials, to include pesticide drift exposure incidents. The administering agency shall incorporate into the area plan specific agency roles within the Standardized Emergency Management System, including procedures for agency notification and responsibility for public safety and information pursuant to Section 2726 for all emergency responses, to include pesticide drift exposure incidents. The administering agency shall consult with the County Agricultural Commissioner and the Local Health Officer when incorporating their statutory duties into a pesticide drift response, and when assigning other specific agency responsibilities for pesticide drift exposure incidents; and

(g) procedures, established in consultation with the County Agricultural Commissioner and the Local Health Officer, with assistance from the Department of Pesticide Regulation, to provide immediate access to pesticide-specific information for responders to pesticide releases. This information will assist emergency response and emergency medical services personnel in identifying and characterizing any pesticides which have the potential to come into contact with one or more individuals as the result of a pesticide drift exposure incident within the jurisdiction.

NOTE: Authority cited: Section 25503, Health and Safety Code; and Section 12997.7(b)(1), 12997.7(b)(2) and 12997.7(b)(6), Food and Agricultural Code. Reference: Section 25503, Health and Safety Code; and Section 12997.7, Food and Agricultural Code.

HISTORY

1. New section filed 7-30-86; effective thirtieth day thereafter (Register 86, No. 31).
2. Editorial renumbering of former Section 2726 to Section 2723 (Register 86, No. 37).
3. New subsection (d), subsection relettering, amendment of newly designated subsections (e) and (f), new subsection (g) and amendment of NOTE filed 4-23-2008; operative 5-23-2008 (Register 2008, No. 17).

§ 2724. Notification and Coordination.

Area plans shall include, but not be limited to:

(a) provisions for notification of, and coordination with, emergency response personnel, such as, but not limited to, law enforcement, fire service, medical and public health services, poison control centers, hospitals, and resources for the evacuation, reception and care of evacuated persons;

(b) identification and utilization of alternative forms of emergency communications (such as amateur radio services), in the event of a loss of primary communications;

(c) a responsibility matrix or listing of specific emergency responsibilities of responding organizations. This matrix or listing shall be developed in coordination with the listed responding organizations;

(d) provisions for notification to the Office of Emergency Services of all reports received pursuant to Article 2 of this subchapter. These notifications shall be submitted, at least monthly, on forms specified by the Office of Emergency Services; and

(e) procedures, developed in consultation with the Local Health Officer, to ensure access to health care within 24 hours of an exposure resulting from a pesticide drift exposure incident and up to a week after the incident.

NOTE: Authority cited: Section 25503, Health and Safety Code; and Section 12997.7(b)(5), Food and Agricultural Code. Reference: Section 25503, Health and Safety Code; and Section 12997.7, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2724 to Section 2722 and Section 2728 to Section 2724 (Register 86, No. 37).
2. Amendment of subsections (b) and (c) and addition of subsection (d) filed as an emergency 9-12-86, operative 9-12-86, making the following changes: Subsection (b) deleted "and" at end of subsection; Subsection (c) added "and" at end of subsection; New subsection (d) was added and read as follows: "(d) provisions for notification to the Office of Emergency Services of all reports received pursuant to Article 2 of this subchapter. These notifications shall be submitted, at least monthly, on forms specified by the Office of Emergency Services." Certificate of Compliance must be transmitted no later than 1-12-87, or emergency language will be repealed by operation of law (Gov. C. § 11346.1); (Register 86, No. 37).
3. Certificate of Compliance transmitted to OAL 1-7-87 and filed 2-6-87 (Register 87, No. 6).
4. Amendment of subsections (c) and (d), new subsection (e) and amendment of NOTE filed 4-23-2008; operative 5-23-2008 (Register 2008, No. 17).

§ 2725. Training.

(a) At a minimum, area plans shall establish provisions for training of emergency response personnel in the following areas:

(1) emergency procedures for first response to a release or threatened release of hazardous materials, to include pesticide drift exposure incidents;

(2) health and safety procedures for response personnel, including those procedures required by Section 2724 of this Article;

(3) use of emergency response equipment and supplies;

(4) procedures for access to mutual-aid resources;

(5) identification of medical facilities capable of providing treatment appropriate for hazardous material incidents, to include pesticide drift exposure incidents;

(6) evacuation plans and procedures;

(7) monitoring and decontamination procedures for emergency response personnel and equipment;

(8) first-aid procedures for hazardous material incidents, including pesticide exposure;

(9) procedures for informing the public during emergencies; and

(10) psychological stress that may be encountered during disaster operations.

(b) Area plans shall include, but not be limited to:

(1) provisions for documenting personnel training described in subsection (a) of this section; and

(2) provisions for joint field or table-top exercises, with affected organizations, with voluntary participation of business representatives.

NOTE: Authority cited: Section 25503, Health and Safety Code; and Section 12997.7, Food and Agricultural Code. Reference: Section 25503, Health and Safety Code; and Section 12997.7, Food and Agricultural Code.

HISTORY

1. New section filed 7-30-86; effective thirtieth day thereafter (Register 86, No. 31).
2. Editorial renumbering of former Section 2730 to Section 2725 (Register 86, No. 37).
3. Amendment of subsections (a)(1), (a)(5) and (a)(8) and amendment of NOTE filed 4-23-2008; operative 5-23-2008 (Register 2008, No. 17).

§ 2726. Public Safety and Information.

Area plans shall include, but not be limited to:

(a) site perimeter security procedures for use during a release or threatened release of hazardous material;

(b) provisions for informing business personnel and the affected public of safety procedures to follow during a release or threatened release of a hazardous material;

(c) procedures, developed in consultation with the County Agricultural Commissioner, to notify residents of a pesticide drift exposure incident and a procedure to assist in the coordination of an evacuation, if deemed necessary by emergency response personnel;

(d) procedures to identify all languages known to be spoken in the administering agency's county or city, as the case may be, and ensure that any individual is able to access services in their native language as required by Section 11135 of the Government Code. The area plan will outline what these services are and how they will be provided in the languages identified;

(e) designation of responsibility for the coordinated release of safety information to the public and to the local Emergency Broadcast System;

(f) provisions for informing medical and health facilities of the nature of the incident and the substance(s) involved in an incident; and

(g) provisions for evacuation plans. Evacuation planning shall provide for the following elements:

(1) determination of the necessity for evacuation;

(2) centralized coordination of information with local law, fire, public health, medical, and other emergency response agencies;

(3) timely notification of the affected public, including release of messages prepared pursuant to subsections (e) and (f) of this section;

(4) properties of hazardous materials, such as quantity, concentration, vapor pressure, density, and potential health effects;

(5) possible release scenarios;

(6) facility characteristics, topography, meteorology, and demography of potentially affected areas;

(7) ingress and egress routes and alternatives;

(8) location of medical resources trained and equipped for hazardous material response;

(9) mass-care facilities, reception areas, and sheltering; and

(10) procedures for post-emergency period population recovery.

NOTE: Authority cited: Sections 25503 and 25517.5, Health and Safety Code; and Section 12997.7(b)(2) and 12997.7(b)(4), Food and Agricultural Code. Reference: Section 25503, Health and Safety Code; and Section 12997.7, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2726 to Section 2723 and Section 2732 to Section 2726 (Register 86, No. 37).
2. Amendment of subsection (e) filed as an emergency 9-12-86, operative 9-12-86, making the following changes: Subsection (e): substituted "a determination of the businesses that, because of their size and nature, should participate in evacuation planning. Factors to be considered in planning for evacuation, shall include, but not be limited to:" for "provisions for evacuation plans. Evacuation planning shall provide for the following elements:" A new subsection (e)(1) was added and read as follows: "(1) determination of the necessity for evacuation:"

Existing subsections (e)(1) through (9) were redesignated as consecutive subsections (e)(2) through (10); Certificate of Compliance must be transmitted no later than 1-12-87, or emergency language will be repealed by operation of law (Gov. C. § 11346.1); (Register 86, No. 37).

3. Certificate of Compliance transmitted to OAL 1-7-87 and filed 2-6-87 (Register 87, No. 6).
4. New subsections (c) and (d), subsection relettering, amendment of newly designated subsection (g)(3) and amendment of NOTE filed 4-23-2008; operative 5-23-2008 (Register 2008, No. 17).

§ 2727. Supplies and Equipment.

(a) Area plans shall contain a listing and description of available emergency response supplies and equipment specifically designated for the potential emergencies presented by the hazardous materials which are handled within the jurisdiction of the administering agency. This information shall be presented to reflect response capability.

(b) Area plans shall outline the provisions for regular testing, if applicable, and proper maintenance of emergency response equipment under the direct control of the county or city, as the case may be.

NOTE: Authority cited: Section 25503, Health and Safety Code. Reference: Section 25503, Health and Safety Code.

HISTORY

1. New section filed 7-30-86; effective thirtieth day thereafter (Register 86, No. 31).
2. Editorial renumbering of former Section 2734 to Section 2727 (Register 86, No. 37).

§ 2728. Incident Critique and Follow-Up.

Area plans shall describe provisions for the critique and follow-up of major incidents of a release or threatened release of hazardous material, including pesticide drift exposure incidents. The critique shall include an interagency meeting to evaluate the response, to improve future response, and to determine if any area plan revisions are required.

NOTE: Authority cited: Section 25503, Health and Safety Code; and Section 12997.7, Food and Agricultural Code. Reference: Section 25503, Health and Safety Code; and Section 12997.7, Food and Agricultural Code.

HISTORY

1. New section filed 7-30-86; effective thirtieth day thereafter (Register 86, No. 31).
2. Editorial renumbering of former Section 2728 to Section 2724 and Section 2736 to Section 2728 (Register 86, No. 37).
3. Amendment of section and NOTE filed 4-23-2008; operative 5-23-2008 (Register 2008, No. 17).

Article 4. Minimum Standards for Business Plans

The provisions of this subchapter are intended to be implemented in coordination with existing local hazardous materials planning efforts.

§ 2729. Purpose.

(a) This article provides minimum standards for the hazardous materials business plan. A hazardous materials business plan includes the following:

- (1) Hazardous material inventory in accordance with Section 2729.2-2729.7;
- (2) Emergency response plans and procedures in accordance with Section 2731; and
- (3) Training program information in accordance with Section 2732.

NOTE: Authority cited: Section 25503, Health and Safety Code. Reference: Section 25504, Health and Safety Code.

HISTORY

1. Editorial renumbering of former section 2752 to section 2729 (Register 86, No. 37).
2. Amendment of subsections (a) and (b) filed as an emergency 9-12-86; operative 9-12-86, making the following changes:
Subsection (a)(1) added "in quantities equal to or higher than quantities specified in section 25503.5(a) of the Health and Safety Code"; after "handled"; Subsection (a)(2) deleted "handled" and added "handled in quantities equal to or greater than quantities specified in section 25503.5(a) of the Health and Safety Code"; after "constituents"; Subsection (a)(3) added "or mixture containing a hazardous material" after "hazardous material"; and deleted "and the total amount handled" after "han-

dled at any one time";

Subsection (b) spelling corrected ("separate");

Certificate of Compliance must be transmitted no later than 1-12-87, or section will be repealed by operation of law (Gov. C. § 11346.1); (Register 86, No. 37).

3. Certificate of Compliance transmitted to OAL 1-7-87 and filed 2-6-87 (Register 87, No. 6).
4. Amendment filed 9-20-90; operative 10-20-90 (Register 90, No. 45).
5. Editorial correction deleting duplicate HISTORIES 3 and 4 (Register 96, No. 18).
6. Repealer and new section and NOTE filed 4-30-96; operative 4-30-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 18).
7. Repealer and new section filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
8. Repealer and new section refiled 5-7-99 as an emergency; operative 5-8-99 (Register 99, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-7-99 or emergency language will be repealed by operation of law on the following day.
9. Reinstatement of section as it existed prior to emergency action by operation of Government Code section 11346.1 (Register 99, No. 37).
10. Repealer and new section filed 9-8-99 as an emergency; operative 9-8-99 (Register 99, No. 37). A Certificate of Compliance must be transmitted to OAL by 1-6-2000 or emergency language will be repealed by operation of law on the following day.
11. Certificate of Compliance as to 9-8-99 order transmitted to OAL 1-6-2000 and filed 2-17-2000 (Register 2000, No. 7).

§ 2729.1. Business Plan General Requirements.

(a) A business that handles a hazardous material or a mixture containing a hazardous material shall establish and implement a business plan if the hazardous material is handled in quantities:

- (1) equal to or greater than 500 pounds, 55 gallons, or 200 cubic feet of gas (gas calculated at standard temperature and pressure), or
- (2) equal to or greater than the applicable federal threshold planning quantity (TPQ) for an extremely hazardous substance (EHS) listed in Appendix A, Part 355, Title 40, of the Code of Federal Regulations.

(3) radioactive materials that are handled in quantities for which an emergency plan is required to be adopted pursuant to Part 30 (commencing with Section 30.1), Part 40 (commencing with Section 40.1), or Part 70 (commencing with Section 70.1), of Chapter 10 of Title 10 of the Code of Federal Regulations (54 Federal Register 14051), or pursuant to any regulations adopted by the state in accordance with those regulations.

(b) If a business handles a hazardous material pursuant to (a)(2) above, the business is subject to the Federal Emergency Planning and Community Right-to-Know Act (EPCRA) and shall also comply with Section 2729.6 of this article.

NOTE: Authority cited: Sections 25503, Health and Safety Code. Reference: Sections 25503.5(a) and 25503.8(a), Health and Safety Code.

HISTORY

1. New section filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 5-7-99 as an emergency; operative 5-8-99 (Register 99, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-7-99 or emergency language will be repealed by operation of law on the following day.
3. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 37).
4. New section filed 9-8-99 as an emergency; operative 9-8-99 (Register 99, No. 37). A Certificate of Compliance must be transmitted to OAL by 1-6-2000 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 9-8-99 order transmitted to OAL 1-6-2000 and filed 2-17-2000 (Register 2000, No. 7).

§ 2729.2. Hazardous Materials Inventory Reporting Requirements.

(a) A business subject to the requirements of Section 2729.1 shall complete and submit to the Certified Unified Program Agency (CUPA) or Administering Agency (AA) the following to satisfy the inventory reporting requirement:

(1) The Business Activities page of the Unified Program Consolidated Form as required by California Code of Regulations (CCR) Title 27, Section 15600(a); and Business Owner/Operator Identification page (Appendix A, UPCF (Rev. 12/07)); and

(2) The Hazardous Materials—Chemical Description Page (Appendix A, UPCF (Rev. 12/07)); and

(3) An Annotated Site Map if required by the CUPA or AA. An optional Annotated Site Map (Appendix A, OES Form 732 (map)(04/96)) is provided. CUPA's or AA's may modify the optional Annotated Site Map.

(b) Forms described in (a) of this section and their completion instructions are in Appendices A and B of this article.

(c) Hazardous materials considered to be trade secrets shall be clearly marked as such on the Chemical Description Page and are bound by Health and Safety Code, Section 25511.

(d) Businesses shall report mixtures that are hazardous materials by their common name (the common name or trade name of the mixture as a whole). Hazardous components in the mixture shall be identified by chemical name, percent weight, and Chemical Abstract Service (CAS) numbers (refer to Material Safety Data Sheet (MSDS) or, in case of trade secrets, refer to manufacturer).

(e) Public availability of the hazardous materials inventory required by this section is subject to Section 25506(a) of the Health and Safety Code.

NOTE: Authority cited: Sections 25503, 25503.1, 25503.3 and 25503.9, Health and Safety Code. Reference: Sections 25503.3, 25503.9, 25504, 25505(d), 25509, 25511 and 25533(b), Health and Safety Code.

HISTORY

1. New section filed 1–8–99 as an emergency; operative 1–8–99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5–10–99 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 5–7–99 as an emergency; operative 5–8–99 (Register 99, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–99 or emergency language will be repealed by operation of law on the following day.
3. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 37).
4. New section filed 9–8–99 as an emergency; operative 9–8–99 (Register 99, No. 37). A Certificate of Compliance must be transmitted to OAL by 1–6–2000 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 9–8–99 order, including further amendment of subsections (a)(1) and (a)(2), transmitted to OAL 1–6–2000 and filed 2–17–2000 (Register 2000, No. 7).
6. Change without regulatory effect amending subsections (a)(1)–(2) filed 2–20–2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 8).

§ 2729.3. Alternative Hazardous Materials Inventory Requirements.

(a) A CUPA or AA may create alternative versions of the hazardous materials inventory forms for local purposes.

(b) Alternative versions shall:

(1) Be developed in consultation with all agencies within the CUPA's or AA's jurisdiction that are responsible for fire protection, emergency response and environmental health; and

(2) Meet the requirements of 27 CCR, Section 15400.3(c).

(c) The CUPA or AA shall accept the inventory as shown in the appendices from any regulated business that chooses to use it, even if the CUPA or AA adopts one or more alternative versions.

NOTE: Authority cited: Section 25503, Health and Safety Code. Reference: Sections 25404(b), (c), (d) and (e), 25404.6(c) and 25503.3, Health and Safety Code.

HISTORY

1. New section filed 1–8–99 as an emergency; operative 1–8–99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5–10–99 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 5–7–99 as an emergency; operative 5–8–99 (Register 99, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–99 or emergency language will be repealed by operation of law on the following day.
3. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 37).
4. New section filed 9–8–99 as an emergency; operative 9–8–99 (Register 99, No. 37). A Certificate of Compliance must be transmitted to OAL by 1–6–2000 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 9–8–99 order transmitted to OAL 1–6–2000 and filed 2–17–2000 (Register 2000, No. 7).

§ 2729.4. Hazardous Materials Inventory Submittal.

(a) A business shall submit a hazardous materials inventory to the appropriate CUPA or AA and local fire agency.

(b) The hazardous materials inventory shall be submitted annually on or before March 1.

(c) Businesses may choose to submit an inventory utilizing the forms specified in Section 2729.2 of this article or an alternate version developed by the CUPA or AA for their jurisdiction.

(d) Businesses shall submit an amendment to the inventory within 30 days of the following events:

(1) A 100 percent or more increase in the quantity of a previously disclosed material.

(2) Any handling of a previously undisclosed hazardous material subject to the inventory requirements of this chapter.

(3) Change of business address.

(4) Change of business ownership.

(5) Change of business name.

NOTE: Authority cited: Sections 25503, Health and Safety Code. Reference: Sections 25505(a) and (d) and 25510 Health and Safety Code.

HISTORY

1. New section filed 1–8–99 as an emergency; operative 1–8–99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5–10–99 or emergency language will be repealed by operation of law on the following day.
2. Change without regulatory effect amending subsection (b) filed 2–25–99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 9).
3. New section refiled 5–7–99 as an emergency; operative 5–8–99 (Register 99, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–99 or emergency language will be repealed by operation of law on the following day.
4. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 37).
5. New section filed 9–8–99 as an emergency; operative 9–8–99 (Register 99, No. 37). A Certificate of Compliance must be transmitted to OAL by 1–6–2000 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 9–8–99 order transmitted to OAL 1–6–2000 and filed 2–17–2000 (Register 2000, No. 7).

§ 2729.5. Hazardous Material Inventory Submission Options.

(a) If no change in an inventory has occurred, a business subject to the hazardous materials reporting requirements may comply with the annual inventory reporting requirements of Section 2729.4 by submitting a certification statement to the CUPA or AA if all the following apply:

(1) The business has previously filed the hazardous materials inventory pursuant to Section 2729.2 and 2729.3 requirements.

(2) The business owner or officially designated representative signs and attests to these statements:

(A) The information contained in the hazardous materials inventory most recently submitted to the CUPA or AA is complete, accurate, and up to date.

(B) There has been no change in the quantity of hazardous materials reported in the most recently submitted inventory.

(C) No hazardous materials subject to inventory requirements are being handled that are not listed on the most recently submitted inventory.

(3) The business is not utilizing the submission of this certification to meet the annual inventory submission requirements of EPCRA (Section 11022 of Title 42, United States Code).

(b) If a change in the hazardous materials inventory has occurred, a business subject to the hazardous materials reporting requirements may comply with the annual inventory reporting requirements by submitting the following:

(1) Signed Business Owner/Operator page for the current reporting year.

(2) Updated Chemical Description pages showing additions, deletions, or revisions to previously submitted hazardous materials inventory.

(c) Notwithstanding Section 2729.5 (a) and (b) facilities subject to EPCRA must, annually submit the following, whether a change has occurred or not:

(1) Business Activities page of the Unified Program Consolidated Form.

(2) Signed Business Owner/Operator page for the current reporting year.

(3) Chemical Description page for each federally listed Extremely Hazardous Substance (EHS) handled in quantities equal to or greater than applicable Federal Threshold Planning Quantities or 500 pounds, whichever is less.

HISTORY

1. New section filed 1–8–99 as an emergency; operative 1–8–99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5–10–99 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 5–7–99 as an emergency; operative 5–8–99 (Register 99, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–99 or emergency language will be repealed by operation of law on the following day.
3. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 37).
4. New section filed 9–8–99 as an emergency; operative 9–8–99 (Register 99, No. 37). A Certificate of Compliance must be transmitted to OAL by 1–6–2000 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 9–8–99 order transmitted to OAL 1–6–2000 and filed 2–17–2000 (Register 2000, No. 7).

§ 2729.6. Emergency Planning and Community Right to Know Act Compliance Requirements.

(a) Submittal of the inventory required in 2729.2 shall meet EPCRA if the following additional requirements are met.

(1) Business Activities page of the Unified Program Consolidated Form.

(2) All businesses which are subject to EPCRA and wish to claim trade secrecy must comply with the requirements of Code of Federal Regulations (CFR) Title 40 Part 350 and submit a “Substantiation to Accompany Claims of Trade Secrecy” form (40 CFR 350.27) to the United States Environmental Protection Agency (USEPA).

(3) If the hazardous material being reported is an EHS as identified in 40 CFR Part 355, Appendix A, the Chemical Description page, for that material, must contain an original signature, a photocopy of the original signature, or a signature stamp. This signature may be placed in the box for locally collected information.

NOTE: Authority cited: Sections 25503, 25503.8, 25509(d) and (e), Health and Safety Code. Reference: Section 25506, Health and Safety Code.

HISTORY

1. New section filed 1–8–99 as an emergency; operative 1–8–99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5–10–99 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 5–7–99 as an emergency; operative 5–8–99 (Register 99, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–99 or emergency language will be repealed by operation of law on the following day.

3. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 37).
4. New section filed 9–8–99 as an emergency; operative 9–8–99 (Register 99, No. 37). A Certificate of Compliance must be transmitted to OAL by 1–6–2000 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 9–8–99 order transmitted to OAL 1–6–2000 and filed 2–17–2000 (Register 2000, No. 7).

§ 2729.7. Uniform Fire Code Compliance Requirements.

(a) The requirement of Section 25503.9 of the Health and Safety Code to obligate administering agencies to require businesses to submit an addendum with the inventory of hazardous materials when complying with Sections 13143.9(b) and (c) and Section 25509(b) of the Health and Safety Code shall be met by complying with the requirements of Section 2729.2.

(1) If the local fire chief requires submittal of a Hazardous Materials Inventory Statement (HMIS) as stated in the Uniform Fire Code Section 80.103 subdivision (c) (1991), then the fire code hazard classes shall be identified on the chemical description page.

(2) The hazardous material inventory specified in section 2729.2 shall be submitted in lieu of an HMIS.

NOTE: Authority cited: Sections 25503, 25503.9, 25509(b), and 25509.2(a), (b), and (c), Health and Safety Code. Reference: Sections 25509(b), and 25509.2(d) and (e), Health and Safety Code

HISTORY

1. New section and appendices A and B filed 1–8–99 as an emergency; operative 1–8–99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5–10–99 or emergency language will be repealed by operation of law on the following day.
2. New section and appendices A and B refiled 5–7–99 as an emergency; operative 5–8–99 (Register 99, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–99 or emergency language will be repealed by operation of law on the following day.
3. Repealer of section and appendices A and B by operation of Government Code section 11346.1(g) (Register 99, No. 37).
4. New section and appendices A and B filed 9–8–99 as an emergency; operative 9–8–99 (Register 99, No. 37). A Certificate of Compliance must be transmitted to OAL by 1–6–2000 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 9–8–99 order transmitted to OAL 1–6–2000 and filed 2–17–2000 (Register 2000, No. 7).
6. Change without regulatory effect repealing and adopting new appendices A and B filed 2–20–2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 8).

Appendix A

Article 4—Minimum Standards for Business Plans Hazardous Materials Inventory—Forms

- I. Unified Program Consolidated Form-Business Activities Page
- II. Business Owner/Operator Identification Page
- III. Hazardous Materials—Chemical Description Page
- IV. Annotated Site Map

Business Activities

UNIFIED PROGRAM CONSOLIDATED FORM FACILITY INFORMATION BUSINESS ACTIVITIES									
Page 1 of									
I. FACILITY IDENTIFICATION									
FACILITY ID # (Agency Use Only)						EPA ID # (Hazardous Waste Only)		2	
BUSINESS NAME (Same as Facility Name of DBA-Doing Business As)									
BUSINESS SITE ADDRESS									
BUSINESS SITE CITY									
II. ACTIVITIES DECLARATION								104	
NOTE: If you check YES to any part of this list, please submit the Business Owner/Operator Identification page.									
Does your facility...						If Yes, please complete these pages of the UPCF....			
A. HAZARDOUS MATERIALS Have on site (for any purpose) at any one time, hazardous materials at or above 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet for compressed gases (include liquids in ASTs and USTs); or the applicable Federal threshold quantity for an extremely hazardous substance specified in 40 CFR Part 355, Appendix A or B; or handle radiological materials in quantities for which an emergency plan is required pursuant to 10 CFR Parts 30, 40 or 70?						☐ YES ☐ NO 4		HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION	
B. REGULATED SUBSTANCES Have Regulated Substances stored onsite in quantities greater than the threshold quantities established by the California Accidental Release prevention Program (CalARP)?						☐ YES ☐ NO 4a		Coordinate with your local agency responsible for CalARP.	
C. UNDERGROUND STORAGE TANKS (USTs) Own or operate underground storage tanks?						☐ YES ☐ NO 5		UST FACILITY (Formerly SWRCB Form A) UST TANK (one page per tank) (Formerly Form B)	
D. ABOVE GROUND PETROLEUM STORAGE Own or operate ASTs above these thresholds: Store greater than 1,320 gallons of petroleum products (new or used) in aboveground tanks or containers.						☐ YES ☐ NO 8		NO FORM REQUIRED TO CUPAs	
E. HAZARDOUS WASTE Generate hazardous waste?						☐ YES ☐ NO 9		EPA ID NUMBER - provide at the top of this page	
Recycle more than 100 kg/month of excluded or exempted recyclable materials (per HSC 25143.2)?						☐ YES ☐ NO 10		RECYCLABLE MATERIALS REPORT (one per recycler)	
Treat hazardous waste on-site?						☐ YES ☐ NO 11		ON-SITE HAZARDOUS WASTE TREATMENT - FACILITY ON-SITE HAZARDOUS WASTE TREATMENT - UNIT (one page per unit)	
Treatment subject to financial assurance requirements (for Permit by Rule and Conditional Authorization)?						☐ YES ☐ NO 12		CERTIFICATION OF FINANCIAL ASSURANCE	
Consolidate hazardous waste generated at a remote site?						☐ YES ☐ NO 13		REMOTE WASTE / CONSOLIDATION SITE ANNUAL NOTIFICATION	
Need to report the closure/removal of a tank that was classified as hazardous waste and cleaned on-site?						☐ YES ☐ NO 14		HAZARDOUS WASTE TANK CLOSURE CERTIFICATION	
Generate in any single calendar month 1,000 kilograms (kg) (2,200 pounds) or more of federal RCRA hazardous waste, or generate in any single calendar month, or accumulate at any time, 1 kg (2.2 pounds) of RCRA acute hazardous waste; or generate or accumulate at any time more than 100 kg (220 pounds) of spill cleanup materials contaminated with RCRA acute hazardous waste.						☐ YES ☐ NO 14a		Obtain federal EPA ID Number, file Biennial Report (EPA Form 8700- 13A/B), and satisfy requirements for RCRA Large Quantity Generator.	
Household Hazardous Waste (HHW) Collection site?						☐ YES ☐ NO 14b		See CUPA for required forms.	
F. LOCAL REQUIREMENTS									
15									
(You may also be required to provide additional information by your CUPA or local agency.)									
UPCF Rev. (12/2007)									

Business Owner/Operator Identification

UNIFIED PROGRAM CONSOLIDATED FORM FACILITY INFORMATION BUSINESS OWNER/OPERATOR IDENTIFICATION																	
Page ____ of ____																	
I. IDENTIFICATION																	
FACILITY ID#	1	2	3	4	5	6	7	8	9	0	BEGINNING DATE	100	ENDING DATE	101			
BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As)												3	BUSINESS PHONE		102		
BUSINESS SITE ADDRESS												103	BUSINESS FAX		102a		
BUSINESS SITE CITY										104	CA	ZIP CODE		105	COUNTY		108
DUN & BRADSTREET										106	PRIMARY SIC		107	PRIMARY NAICS		107a	
BUSINESS MAILING ADDRESS														108a			
BUSINESS MAILING CITY										108b	STATE		108c	ZIP CODE		108d	
BUSINESS OPERATOR NAME												109	BUSINESS OPERATOR PHONE		110		
II. BUSINESS OWNER																	
OWNER NAME												111	OWNER PHONE		112		
OWNER MAILING ADDRESS														113			
OWNER MAILING CITY										114	STATE		115	ZIP CODE		116	
III. ENVIRONMENTAL CONTACT																	
CONTACT NAME												117	CONTACT PHONE		118		
CONTACT MAILING ADDRESS												119	CONTACT EMAIL		119a		
CONTACT MAILING CITY										120	STATE		121	ZIP CODE		122	
IV. EMERGENCY CONTACTS																	
-PRIMARY-														-SECONDARY-			
NAME										123	NAME		128				
TITLE										124	TITLE		129				
BUSINESS PHONE										125	BUSINESS PHONE		130				
24-HOUR PHONE										126	24-HOUR PHONE		131				
PAGER #										127	PAGER #		132				
ADDITIONAL LOCALLY COLLECTED INFORMATION:														133			
Certification: Based on my inquiry of those individuals responsible for obtaining the information, I certify under penalty of law that I have personally examined and am familiar with the information submitted and believe the information is true, accurate, and complete.																	
SIGNATURE OF OWNER/OPERATOR OR DESIGNATED REPRESENTATIVE												DATE	134	NAME OF DOCUMENT PREPARER		135	
NAME OF SIGNER (print)												136	TITLE OF SIGNER		137		

Hazardous Materials

UNIFIED PROGRAM CONSOLIDATED FORM									
HAZARDOUS MATERIALS									
HAZARDOUS MATERIALS INVENTORY – CHEMICAL DESCRIPTION									
(one page per material per building or area)									
☐ ADD		☐ DELETE		☐ REVISE		200		Page ____ of ____	
I. FACILITY INFORMATION									
BUSINESS NAME (Same as FACILITY NAME or DBA – Doing Business As)									3
CHEMICAL LOCATION						201		CHEMICAL LOCATION CONFIDENTIAL EPCRA ☐ YES ☐ NO	
FACILITY ID #						MAP# (optional)		203	
						GRID# (optional)		204	
II. CHEMICAL INFORMATION									
CHEMICAL NAME						205		TRADE SECRET ☐ Yes ☐ No	
								206	
COMMON NAME						207		EHS* ☐ Yes ☐ No	
								208	
CAS#						209		*If EHS is "Yes", all amounts below must be in lbs.	
								210	
FIRE CODE HAZARD CLASSES (Complete if required by CUPA)									
HAZARDOUS MATERIAL TYPE (Check one item only)						211		RADIOACTIVE ☐ Yes ☐ No	
								212	
PHYSICAL STATE (Check one item only)						214		LARGEST CONTAINER	
								215	
FED HAZARD CATEGORIES (Check all that apply)						216			
AVERAGE DAILY AMOUNT			MAXIMUM DAILY AMOUNT			ANNUAL WASTE AMOUNT		STATE WASTE CODE	
217			218			219		220	
UNITS* (Check one item only)						221		DAYS ON SITE:	
								222	
STORAGE CONTAINER						223			
STORAGE PRESSURE						224			
STORAGE TEMPERATURE						225			
%WT		HAZARDOUS COMPONENT (For mixture or waste only)				EHS		CAS #	
1		226				227		228	
								229	
2		230				231		232	
								233	
3		234				235		236	
								237	
4		238				239		240	
								241	
5		242				243		244	
								245	
If more hazardous components are present at greater than 1% by weight if non-carcinogenic, or 0.1% by weight if carcinogenic, attach additional sheets of paper capturing the required information.									
ADDITIONAL LOCALLY COLLECTED INFORMATION									
If EPCRA, Please Sign Here									

CALIFORNIA ANNOTATED MAP	Business Name:	Site Address:	Map #:
--------------------------	----------------	---------------	--------

	A	B	C	D	E	F	G	H	I	J
1										
2										
3										
4										
5										
6										
7										

For Site Map

- Scale of Map
- Loading Areas
- Parking Lots
- Internal Roads
- Storm and Sewer Drains
- Adjacent Property Use
- Locations and Names of Adjacent Streets and Alleys
- Access and Egress Points and Roads

For Sub-Site Map

- Scale of Map
- Locations of Each Storage Area
- Location of Each Hazardous Material Handling Area
- Location of Emergency Response Equipment

↑ North

Scale:
1" = _____

CCLIX.

Y X →

Appendix B

Article 4—Minimum Standards for Business Plans Hazardous Materials Inventory—Instructions

I. Unified Program Consolidated Form—Business Activities

II. Business Owner/Operator Identification

III. Hazardous Materials—Chemical Description

IV. Annotated Site Map

Business Activities

Please submit the Business Activities page, the Business Owner/Operator Identification page, and Hazardous Materials Inventory - Chemical Description pages for all submissions. (Note: the numbering of the instructions follows the data element numbers that are on the Unified Program Consolidated Form (UPCF) pages. These data element numbers are used for electronic submission and are the same as the numbering used in Division 3, Electronic Submittal of Information). Please number all pages of your submittal. This helps your CUPA or AA identify whether the submittal is complete and if any pages are separated.

1. FACILITY ID NUMBER - Leave this blank. This number is assigned by the Certified Unified Program Agency (CUPA) or Administering Agency (AA). This is the unique number which identifies your facility.
2. EPA ID NUMBER - If you generate, recycle, or treat hazardous waste, enter your facility's 12-character U.S. Environmental Protection Agency (U.S. EPA) or California Identification number. For facilities in California, the number usually starts with the letters ☐CA☐. If you do not have a number, contact the Department of Toxic Substances Control (DTSC) Telephone Information Center at (916) 324-1781, (800) - 61-TOXIC or (800) 61-86942, to obtain one.
3. BUSINESS NAME - Enter the full legal name of the business. This is the same as the terms ☐Facility Name☐ or ☐DBA - Doing Business As☐ that might have been used in the past.
103. BUSINESS SITE ADDRESS - Enter the street address where the facility is located. No post office box numbers are allowed. This information must provide a means to geographically locate the facility.
104. BUSINESS SITE CITY - Enter the city or unincorporated area in which business site is located.
105. ZIP CODE - Enter the zip code of business site. The extra 4 digit zip may also be added.
4. HAZARDOUS MATERIALS -
Check the box to indicate whether you have a hazardous material onsite. You have a hazardous material onsite if:
 - It is handled in quantities equal to or greater than 500 pounds, 55 gallons, or 200 cubic feet of compressed gas (calculated at standard temperature and pressure),
 - It is handled in quantities equal to or greater than the applicable federal threshold planning quantity for an extremely hazardous substance listed in 40 CFR Part 355, Appendix A,
 - Radioactive materials are handled in quantities for which an emergency plan is required to be adopted pursuant to Part 30, Part 40, or Part 70 of Chapter 10 of 10 CFR, or pursuant to any regulations adopted by the state in accordance with these regulations.
 If you have a hazardous material onsite, then you must complete the Business Owner/Operator Identification page and the Hazardous Materials Inventory - Chemical Description page, as well as an Emergency Response Plan and Training Plan.
Do not answer ☐YES☐ to this question if you exceed only a local threshold, but do not exceed the state threshold.
- 4a. REGULATED SUBSTANCES - Refer to 19 CCR 2770.5 for regulated substances. Check the box to indicate whether your facility has CalARP regulated substances stored onsite.
5. OWN OR OPERATE UNDERGROUND STORAGE TANK (UST) - Check the appropriate box to indicate whether you own or operate USTs containing hazardous substances as defined in Health and Safety Code (HSC) 25316. If ☐YES☐, then you must complete one UST Facility page and UST Tank pages for each tank. You must also submit a plot plan and a monitoring program plan.
8. OWN OR OPERATE ABOVEGROUND PETROLEUM STORAGE TANK OR CONTAINER - Check the appropriate box to indicate whether there are ASTs onsite which exceed the regulatory thresholds. (There is no UPCF page for ASTs.) This program applies to all facilities storing petroleum in aboveground tanks. Petroleum means crude oil, or any fraction thereof, which is liquid at 60 degrees Fahrenheit temperature and 14.7 pounds per square inch absolute pressure (HSC 25270.2 (g)). The facility must have a cumulative storage capacity greater than 1,320 gallons for all ASTs. NOT Subject to the Act (exemptions):
An aboveground petroleum storage tank (AST) facility with one or more of the following (see HSC 25270.2 (k)) is not subject to this act and is exempt:
 - A pressure vessel or boiler which is subject to Division 5 of the Labor Code,
 - A storage tank containing hazardous waste if a hazardous waste facility permit has been issued for the storage tank by DTSC,
 - An aboveground oil production tank which is regulated by the Division of Oil and Gas,
 - Certain oil-filled electrical equipment including but not limited to transformers, circuit breakers, or capacitors.
9. HAZARDOUS WASTE GENERATOR - Check the appropriate box to indicate whether your facility generates hazardous waste. A generator is the person or business whose acts or processes produce a hazardous waste or who causes a hazardous substance or waste to become subject to State hazardous waste law. If your facility generates hazardous waste, you must obtain and use an EPA Identification number (ID) in order to properly transport and dispose of it. Report your EPA ID number in #2. Hazardous waste means a waste that meets any of the criteria for the identification of a hazardous waste adopted by DTSC pursuant to HSC 25141. "Hazardous waste" includes, but is not limited to, federally regulated hazardous waste. Federal hazardous waste law is known as the Resource Conservation and Recovery Act (RCRA). Unless explicitly stated otherwise, the term "hazardous waste" also includes extremely hazardous waste and acutely hazardous waste.
10. RECYCLE - Check the appropriate box to indicate whether you recycle more than 100 kilograms per month of recyclable material under a claim that the material is excluded or exempt per HSC 25143.2. Check ☐YES☐ and complete the Recyclable Materials Report pages, if you either recycled onsite or recycled excluded recyclable materials which were generated onsite. Check ☐NO☐ if you only send recyclable materials to an offsite recycler. You do not need to report.
11. ONSITE HAZARDOUS WASTE TREATMENT - Check the appropriate box to indicate whether your facility engages in onsite treatment of hazardous waste. "Treatment" means any method, technique, or process which is designed to change the physical, chemical, or biological character or composition of any hazardous waste or any material contained therein, or removes or reduces its harmful properties or characteristics for any purpose. "Treatment" does not include the removal of residues from manufacturing process equipment for the purposes of cleaning that equipment. Amendments (effective 1/1/99) add exemptions from the definition of ☐treatment☐ for certain processes under specific, limited conditions. Refer to HSC 25123.5 (b) for these specific exemptions. Treatment of certain laboratory hazardous wastes do not require authorization. Refer to HSC 25200.3.1 for specific information. Please contact your CUPA to determine if any exemptions apply to your facility. If your facility engages in onsite treatment of hazardous waste then complete the Onsite Hazardous Waste Treatment Notification - Facility page and one set of Onsite Hazardous Waste Treatment Notification - Unit pages with waste and treatment process information for each unit.
12. FINANCIAL ASSURANCE - Check the appropriate box to indicate whether your facility is subject to financial assurance requirements for closure of an onsite treatment unit. Unless they are exempt, Permit by Rule (PBR) and Conditionally Authorized (CA) operations are required to provide financial assurance for closure costs (per 22 CCR 87450.13 (b) and HSC 25245.4). If your facility is subject to financial assurance requirements or claiming an exemption, then complete the Certification of Financial Assurance page.
13. REMOTE WASTE CONSOLIDATION SITE - Check the appropriate box to indicate whether your facility consolidates hazardous waste generated at a remote site. Answer ☐YES☐ if you are a hazardous waste generator that collects hazardous waste initially at remote sites and subsequently transports the hazardous waste to a consolidation site you also operate. You must be eligible pursuant to the conditions in HSC 25110.10. If your facility consolidates hazardous waste generated at a remote site, then complete the Remote Waste Consolidation Site Annual Notification page.
14. HAZARDOUS WASTE TANK CLOSURE - Check the appropriate box to indicate whether the tank being closed would be classified as hazardous waste after its contents are removed. Classification could be based on:
 - Your knowledge of the tank and its contents
 - Testing of the tank
 - Inability to remove hazardous materials stored in the tank.
 - The mixture rule
 - The listed wastes in 40 CFR 261.31 or 40 CFR 261.32.
 If the tank being closed would be classified as hazardous waste after its contents are removed, then you must complete the Hazardous Waste Tank Closure Certification page.
- 14a. RCRA LQG - Check the appropriate box to indicate whether your facility is a Large Quantity Generator. If YES, you must have or obtain a US EPA ID Number.
- 14b. HOUSEHOLD HAZARDOUS WASTE COLLECTION - Check the appropriate box to indicate whether your facility is a HHW Collection site.
15. LOCAL REQUIREMENTS - Some CUPAs or AAs may require additional information. Check with your CUPA before submitting the UPCF to determine if any supplemental information is required.

UPCF Rev. (12/2007)

Business Owner/Operator Identification

Please submit the Business Activities page, the Business Owner/Operator Identification page, and Hazardous Materials Inventory - Chemical Description pages for all hazardous materials inventory submissions. For the inventory to be considered complete this page must be signed by the appropriate individual. (Note: the numbering of the instructions follows the data element numbers that are on the Unified Program Consolidated Form (UPCF) pages. These data element numbers are used for electronic submission and are the same as the numbering used in Division 3, Electronic Submittal of Information.) Please number all pages of your submittal. This helps Unified Program Agency (UPA) identify whether the submittal is complete and if any pages are separated.

1. FACILITY ID NUMBER - Leave this blank. This number is assigned by the UPA. This is the unique number which identifies your facility.
3. BUSINESS NAME - Enter the doing business as name.
100. BEGINNING DATE - Enter the beginning year and date of the report. (YYYYMMDD)
101. ENDING DATE - Enter the ending year and date of the report. (YYYYMMDD)
102. BUSINESS PHONE - Enter the phone number, area code first, and any extension.
- 102a. BUSINESS FAX - Enter the business fax number, area code first.
103. BUSINESS SITE ADDRESS - Enter the street address where the facility is located. No post office box numbers are allowed. This information must provide a means to geographically locate the facility.
104. BUSINESS SITE CITY - Enter the city or unincorporated area in which business site is located.
105. ZIP CODE - Enter the zip code of business site. The extra 4 digit zip may also be added.
106. DUN & BRADSTREET - If subject to EPCRA, enter the Dun & Bradstreet number for the facility. The Dun & Bradstreet number may be obtained by calling (610) 882-7748 or on the web at www.dnb.com.
107. SIC NUMBER - Enter the primary Standard Industrial Classification System Number. Required for EPCRA.
- 107a. NAICS NUMBER - Enter the primary North American Industrial Classification System Number.
108. COUNTY - Enter the county in which the business site is located.
- 108a. BUSINESS MAILING ADDRESS - Enter the mailing address to be used for all official business correspondence. This mailing address must be filled in.
- 108b. BUSINESS MAILING CITY - Enter the name of the city for the business mailing address.
- 108c. STATE - Enter the two character abbreviation of the state for the business mailing address.
- 108d. ZIP CODE - Enter the zip code for the business mailing address. The extra 4 digit zip may also be added.
109. BUSINESS OPERATOR NAME - Enter the name of the business operator.
110. BUSINESS OPERATOR PHONE - Enter business operator phone number, if different from business phone, area code first, and any extension.
111. BUSINESS OWNER NAME - Enter name of business owner, if different from business operator.
112. BUSINESS OWNER PHONE - Enter the business owner's phone number if different from business phone, area code first, and any extension.
113. BUSINESS OWNER MAILING ADDRESS - Enter the owner's mailing address, if different from business mailing address.
114. BUSINESS OWNER CITY - Enter the name of the city for the owner's mailing address, if different from business mailing address.
115. BUSINESS OWNER STATE - Enter the 2 character state abbreviation for the owner's mailing address, if different from business mailing address.
116. BUSINESS OWNER ZIP CODE - Enter the zip code for the owner's address, if different from business mailing address. The extra 4 digit zip may also be added.
117. ENVIRONMENTAL CONTACT NAME - Enter the name of the person, who receives all environmental correspondence.
118. CONTACT PHONE - Enter the phone number, if different from Owner or Operator, for the environmental contact, area code first, and any extension.
119. CONTACT MAILING ADDRESS - Enter the mailing address where all environmental contact correspondence should be sent.
- 119a. CONTACT EMAIL - Enter the email address of the environmental contact in 117, if the contact has one.
120. CONTACT MAILING CITY - Enter the name of the city for the environmental contact's mailing address.
121. STATE - Enter the 2 character state abbreviation for the environmental contact's mailing address.
122. ZIP CODE - Enter the zip code for the environmental contact's mailing address. The extra 4 digit zip may also be added.
123. PRIMARY EMERGENCY CONTACT NAME - Enter the name of a representative to be contacted in case there is an emergency involving hazardous materials at the business site. The contact shall have FULL facility access, site familiarity, and authority to make decisions for the business regarding incident mitigation.
124. TITLE - Enter the title of the primary emergency contact.
125. BUSINESS PHONE - Enter the business number for the primary emergency contact, area code first, and any extensions.
126. 24-HOUR PHONE - Enter a 24-hour phone number for the primary emergency contact. The 24-hour phone number must be one which is answered 24 hours a day. If it is not the contact's home phone number, then the service answering the phone must be able to immediately contact the individual stated above.
127. PAGER NUMBER - Enter the pager number for the primary emergency contact, if available.
128. SECONDARY EMERGENCY CONTACT NAME - Enter the name of a secondary representative that can be contacted in the event that the primary emergency contact is not available. The contact shall have FULL facility access, site familiarity, and authority to make decisions for the business regarding incident mitigation.
129. TITLE - Enter the title of the secondary emergency contact.
130. BUSINESS PHONE - Enter the business telephone number for the secondary emergency contact, area code first, and any extension.
131. 24-HOUR PHONE - Enter a 24-hour phone number for the secondary emergency contact. The 24 hour phone number must be one which is answered 24 hours a day. If it is not the contact's home phone number, then the service answering the phone must be able to immediately contact the individual stated above.
132. PAGER NUMBER - Enter the pager number for the secondary emergency contact, if available.
133. ADDITIONAL LOCALLY COLLECTED INFORMATION - This space may be used for UPA to collect any additional information necessary to meet the requirements of their individual programs. Contact UPA for guidance.
134. DATE - Enter the date that the document was signed. (YYYYMMDD)
135. NAME OF DOCUMENT PREPARER - Enter the full name of the person who prepared the inventory submittal information.
136. NAME OF SIGNER - Enter the full printed name of the person signing the page. The signer certifies to a familiarity with the information submitted and that based on the signer's inquiry of those individuals responsible for obtaining the information, all the information submitted is true, accurate and complete.

SIGNATURE OF OWNER/ OPERATOR OR DESIGNATED REPRESENTATIVE - The Business Owner/Operator, or officially designated representative of the Owner/Operator, shall sign in the space provided. This signature certifies that the signer is familiar with the information submitted and that based on the signer's inquiry of those individuals responsible for obtaining the information it is the signer's belief that the submitted information is true, accurate and complete.

137. TITLE OF SIGNER - Enter the title of the person signing the page.

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Hazardous Materials Inventory - Chemical Description

You must complete a separate Hazardous Materials Inventory - Chemical Description page for each hazardous material (hazardous substances and hazardous waste) that you handle at your facility in aggregate quantities equal to or greater than 500 pounds, 55 gallons, 200 cubic feet of gas (calculated at standard temperature and pressure) or the federal threshold planning quantity for Extremely Hazardous Substances, whichever is less. Also complete a page for each radioactive material handled over quantities for which an emergency plan is required to be adopted pursuant to 10 CFR Parts 30, 40, or 70. The completed inventory should reflect all reportable quantities of hazardous materials at your facility, reported separately for each building or outside adjacent area, with separate pages for unique occurrences of physical state, storage temperature and storage pressure. (Note: the numbering of the instructions follows the data element numbers that are on the Unified Program Consolidated Form (UPCF) pages. These data element numbers are used for electronic submission and are the same as the numbering used in Division 3, Electronic Submittal of Information.) Please number all pages of your submittal. This helps your CUPA or AA identify whether the submittal is complete and if any pages are separated.

1. FACILITY ID NUMBER - This number is assigned by the CUPA or AA. This is the unique number which identifies your facility.
3. BUSINESS NAME - Enter the full legal name of the business.
200. ADD/DELETE/ REVISE - Indicate if the material is being added to the inventory, deleted from the inventory, or if the information previously submitted is being revised. NOTE: You may choose to leave this blank if you resubmit your entire inventory annually.
201. CHEMICAL LOCATION - Enter the building or outside/ adjacent area where the hazardous material is handled. A chemical that is stored at the same pressure and temperature, in multiple locations within a building, can be reported on a single page. NOTE: This information is not subject to public disclosure pursuant to HSC §25506.
202. CHEMICAL LOCATION CONFIDENTIAL - EPCRA - All businesses which are subject to the Emergency Planning and Community Right to Know Act (EPCRA) must check "Yes" to keep chemical location information confidential. If the business does not wish to keep chemical location information confidential check "No".
203. MAP NUMBER - If a map is included, enter the number of the map on which the location of the hazardous material is shown.
204. GRID NUMBER - If grid coordinates are used, enter the grid coordinates of the map that correspond to the location of the hazardous material. If applicable, multiple grid coordinates can be listed.
205. CHEMICAL NAME - Enter the proper chemical name associated with the Chemical Abstract Service (CAS) number of the hazardous material. This should be the International Union of Pure and Applied Chemistry (IUPAC) name found on the Material Safety Data Sheet (MSDS). NOTE: If the chemical is a mixture, do not complete this field; complete the "COMMON NAME" field instead.
206. TRADE SECRET - Check "Yes" if the information in this section is declared a trade secret, or "No" if it is not.
State requirement: If yes, and business is not subject to EPCRA, disclosure of the designated trade secret information is bound by HSC §25511.
Federal requirement: If yes, and business is subject to EPCRA, disclosure of the designated Trade Secret information is bound by 40 CFR and the business must submit a "Substantiation to Accompany Claims of Trade Secrecy" form (40 CFR 350.27) to USEPA.
207. COMMON NAME - Enter the common name or trade name of the hazardous material or mixture containing a hazardous material.
208. EHS - Check "Yes" if the hazardous material is an Extremely Hazardous Substance (EHS), as defined in 40 CFR, Part 355, Appendix A. If the material is a mixture containing an EHS, leave this section blank and complete the section on hazardous components below.
209. CAS # - Enter the Chemical Abstract Service (CAS) number for the hazardous material. For mixtures, enter the CAS number of the mixture if it has been assigned a number distinct from its components. If the mixture has no CAS number, leave this column blank and report the CAS numbers of the individual hazardous components in the appropriate section below.
210. FIRE CODE HAZARD CLASSES - Fire Code Hazard Classes describe to first responders the type and level of hazardous materials which a business handles. This information shall only be provided if the local fire chief deems it necessary and requests the CUPA or AA to collect it. A list of the hazard classes and instructions on how to determine which class a material falls under are included in the appendices of Article 80 of the Uniform Fire Code. If a material has more than one applicable hazard class, include all. Contact CUPA or AA for guidance.
211. HAZARDOUS MATERIAL TYPE - Check the one box that best describes the type of hazardous material: pure, mixture or waste. If waste material, check only that box. If mixture or waste, complete hazardous components section.
212. RADIOACTIVE - Check "Yes" if the hazardous material is radioactive or "No" if it is not.
213. CURIES - If the hazardous material is radioactive, use this area to report the activity in curies. You may use up to nine digits with a floating decimal point to report activity in curies.
214. PHYSICAL STATE - Check the one box that best describes the state in which the hazardous material is handled: solid, liquid or gas.
215. LARGEST CONTAINER - Enter the total capacity of the largest container in which the material is stored.
216. FEDERAL HAZARD CATEGORIES - Check all categories that describe the physical and health hazards associated with the hazardous material.

PHYSICAL HAZARDS	HEALTH HAZARDS
Fire: Flammable Liquids and Solids, Combustible Liquids, Pyrophorics, Oxidizers	Acute Health (Immediate): Highly Toxic, Toxic, Irritants, Sensitizers, Corrosives, other hazardous chemicals with an adverse effect with short term exposure
Reactive: Unstable Reactive, Organic Peroxides, Water Reactive, Radioactive	
Pressure Release: Explosives, Compressed Gases, Blasting Agents	Chronic Health (Delayed): Carcinogens, other hazardous chemicals with an adverse effect with long term exposure

217. AVERAGE DAILY AMOUNT - Calculate the average daily amount of the hazardous material or mixture containing a hazardous material, in each building or adjacent/ outside area. Calculations shall be based on the previous year's inventory of material reported on this page. Total all daily amounts and divide by the number of days the chemical will be on site. If this is a material that has not previously been present at this location, the amount shall be the average daily amount you project to be on hand during the course of the year. This amount should be consistent with the units reported in box 221 and should not exceed that of maximum daily amount.
218. MAXIMUM DAILY AMOUNT - Enter the maximum amount of each hazardous material or mixture containing a hazardous material, which is handled in a building or adjacent/outside area at any one time over the course of the year. This amount must contain at a minimum last year's inventory of the material reported on this page, with the reflection of additions, deletions, or revisions projected for the current year. This amount should be consistent with the units reported in box 221.
219. ANNUAL WASTE AMOUNT - If the hazardous material being inventoried is a waste, provide an estimate of the annual amount handled.
220. STATE WASTE CODE - If the hazardous material is a waste, enter the appropriate California 3-digit hazardous waste code as listed on the back of the Uniform Hazardous Waste Manifest.
221. UNITS - Check the unit of measure that is most appropriate for the material being reported on this page: gallons, pounds, cubic feet or tons. NOTE: If the material is a federally defined Extremely Hazardous Substance (EHS), all amounts must be reported in pounds. If material is a mixture containing an EHS, report the units that the material is stored in (gallons, pounds, cubic feet, or tons).
222. DAYS ON SITE - List the total number of days during the year that the material is on site.
223. STORAGE CONTAINER - Check all boxes that describe the type of storage containers in which the hazardous material is stored. NOTE: If appropriate, you may choose more than one.
224. STORAGE PRESSURE - Check the one box that best describes the pressure at which the hazardous material is stored.
225. STORAGE TEMPERATURE - Check the one box that best describes the temperature at which the hazardous material is stored.
226. HAZARDOUS COMPONENTS 1-5 (% BY WEIGHT) - Enter the percentage weight of the hazardous component in a mixture. If a range of percentages is available, report the highest percentage in that range. (Report for components 2 through 5 in 230, 234, 236, and 242.)
227. HAZARDOUS COMPONENTS 1-5 NAME - When reporting a hazardous material that is a mixture, list up to five chemical names of hazardous components in that mixture by percent weight (refer to MSDS or, in the case of trade secrets, refer to manufacturer). All hazardous components in the mixture present at greater than 1% by weight if non-carcinogenic, or 0.1% by weight if carcinogenic, should be reported. If more than five hazardous components are present above these percentages, you may attach an additional sheet of paper to capture the required information. When reporting waste mixtures, mineral and chemical composition should be listed. (Report for components 2 through 5 in 231, 235, 239, and 243.)
228. HAZARDOUS COMPONENTS 1-5 EHS - Check "Yes" if the component of the mixture is considered an Extremely Hazardous Substance as defined in 40 CFR, Part 355, or "No" if it is not. (Report for components 2 through 5 in 232, 236, 240, and 244.)
229. HAZARDOUS COMPONENTS 1-5 CAS - List the Chemical Abstract Service (CAS) numbers as related to the hazardous components in the mixture. (Repeat for 2-5.)
246. LOCALLY COLLECTED INFORMATION - This space may be used by the CUPA or AA to collect any additional information necessary to meet the requirements of their individual programs. Contact the CUPA or AA for guidance.

UPCF (Rev. 12/2007)

IV. California Annotated Site Map—Instructions

Attach a map of the facility using the standard grid. As a minimum, the map should show the following:

1. Site Layout
 - Scale of map
 - Site Orientation (north, south, etc.)
 - Loading areas
 - Parking lots
 - Internal roads
 - Storm and sewer drains
 - Adjacent property use
 - Locations and names of adjacent streets and alleys
 - Access and egress points and roads
2. Facility
 - Location of each storage area
 - Location of each hazardous material handling area
 - Location of emergency response equipment. For example, equipment for fire suppression, approach and mitigation, protective clothing, medical response, etc.

§ 2730. Optional Model Inventory Reporting Form.

NOTE: Authority cited: Section 25503.3, Health and Safety Code. Reference: Section 25503.3, Health and Safety Code.

HISTORY

1. Editorial renumbering of former section 2730 to section 2725 and section 2754 to section 2730 (Register 86, No. 37).
2. Amendment of Optional Model Reporting Form: Hazardous Materials Inventory sections H and I and Instructions—Hazardous Material Inventory Reporting Form, subsections H(2), (3) and (4) filed as an emergency 9–12–86; operative 9–12–86 making the following changes:

Section H: deleted “Quantities” and “Total Amount in Year”;

Section I: Spelling corrected (“Separate”); Added “if required by the appropriate administering agency” after “facility”;

Subsection H(2): added “and” after “names”;

Subsection H(3): deleted “and” after “time”;

Subsection H(4): deleted “(4) total amount handled over the year”;

Certificate of Compliance must be transmitted no later than 1–12–87, or emergency language will be repealed by operation of law (Gov. C. 11346.1) (Register 86, No. 37).

3. Certificate of Compliance including amendment transmitted to OAL 1–7–87 and filed 2–6–87 (Register 87, No. 6).
4. Amendment filed 9–20–90; operative 10–20–90 (Register 90, No. 45).
5. Editorial correction of printing error deleting duplicate NOTE and HISTORY following forms (Register 91, No. 32).
6. Repealer and new section and NOTE, repealer of form and new Appendices A–I filed 4–30–96; operative 4–30–96 pursuant to Government Code section 11343.4(d) (Register 96, No. 18).
7. Repealer of section and appendices A–I filed 1–8–99 as an emergency; operative 5–8–99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5–10–99 or emergency language will be repealed by operation of law on the following day.
8. Repealer of section and appendices A–I refiled 5–7–99 as an emergency; operative 5–8–99 (Register 99, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–99 or emergency language will be repealed by operation of law on the following day.
9. Reinstatement of section as it existed prior to emergency action by operation of Government Code section 11346.1 (Register 99, No. 37).
10. Repealer of section and appendices A–I filed 9–8–99 as an emergency; operative 9–8–99 (Register 99, No. 37). A Certificate of Compliance must be transmitted to OAL by 1–6–2000 or emergency language will be repealed by operation of law on the following day.
11. Certificate of Compliance as to 9–8–99 order transmitted to OAL 1–6–2000 and filed 2–17–2000 (Register 2000, No. 7).

§ 2731. Emergency Response Plans and Procedures.

The business plan shall include the following emergency response procedures for a release or threatened release of hazardous materials, scaled appropriately for the size and nature of the business, the nature of the damage potential of the hazardous materials handled, and the proximity of the business to residential areas and other populations:

- (a) immediate notification of:
 - (1) local emergency response personnel;
 - (2) the administering agency and the State Office of Emergency Services pursuant to article 2 of this subchapter;
 - (3) persons within the facility who are necessary to respond to an incident;
- (b) identification of local emergency medical assistance appropriate for potential accident scenarios;
- (c) mitigation, prevention, or abatement of hazards to persons, property, or the environment;
- (d) immediate notification and evacuation of the facility; and
- (e) identification of areas of the facility and mechanical or other systems that require immediate inspection or isolation because of their vulnerability to earthquake related ground motion.

NOTE: Authority cited: Sections 25503 and 25517.5, Health and Safety Code. Reference: Sections 25503(b)(2), 25504(b) and 25507, Health and Safety Code.

HISTORY

1. Editorial renumbering of former section 2756 to section 2731 (Register 86, No. 37).
2. Amendment of initial paragraph, subsection (d) and reference citation filed as an emergency 9–12–86, operative 9–12–86 making the following changes: In initial paragraph added “and nature” after “size”; “damage potential of the” after “nature of the”; and “and the proximity of the business to residential areas and other populations:” after “materials handled.”; Subsection (d) added “the” after “evacuation of” and deleted “employees and the affected public, pursuant to the determinations made under section 2726 (c) of article 3 of this subchapter” after “facility”; Certificate of Compliance must be transmitted no later than 1–12–87, or emergency language will be repealed by operation of law (Gov. C. 11346.1); (Register 86, No. 37).
3. Certificate of Compliance transmitted to OAL 1–7–87 and filed 2–6–87 (Register 87, No. 6).
4. Amendment filed 9–20–90; operative 10–20–90 (Register 90, No. 45).

§ 2732. Training.

(a) The business plan shall include a training program which is reasonable and appropriate for the size of the business and the nature of the hazardous materials handled. The training program shall take into consider-

ation the responsibilities of the employees to be trained. The training program shall, at a minimum, include:

- (1) methods for safe handling of hazardous materials;
- (2) procedures for coordination with local emergency response organizations;
- (3) use of emergency response equipment and supplies under the control of the handler, and
- (4) all procedures required by Section 2731 of this Article.

(b) The business plan shall include provisions for ensuring that appropriate personnel receive initial and refresher training.

NOTE: Authority cited: Section 25503, Health and Safety Code. Reference: Section 25504(c), Health and Safety Code.

HISTORY

1. New section filed 7-30-86; effective thirtieth day thereafter (Register 86, No. 31).
2. Editorial renumbering of former Section 2732 to Section 2726 and Section 2758 to Section 2732 (Register 86, No. 37).
3. Amendment of subsection (a)(4) filed 2-17-2000; operative 2-17-2000 (Register 2000, No. 7).

Article 5. Warning Signs for Agricultural Handlers

§ 2733. Applicability.

Each building which is subject to the requirements of Section 25503.5(b)(5)(B) of Chapter 6.95 of the Health and Safety Code, and in which any pesticides, petroleum fuels or oils, or fertilizers are stored shall be conspicuously posted with warning signs as described in Section 2734 of this Article.

NOTE: Authority cited: Sections 25503, 25503.5, and 25517.5, Health and Safety Code. Reference: Sections 25503, 25503.5, and 25504, Health and Safety Code. (New section filed as an emergency 9-12-86, operative 9-12-86; Certificate of Compliance must be transmitted no later than 1-12-87, or section will be repealed by operation of law (Gov. C. § 11346.1(g)); Register 86, No. 37).

HISTORY

1. Certificate of Compliance including amendment transmitted to OAL 1-7-87 and filed 2-6-87 (Register 87, No. 6).

§ 2734. Warning Signs.

(a) Warning signs shall be conspicuous and visible from any direction of probable approach.

(b) Each sign shall be of such a size that it is readable from a distance of 25 feet and shall be substantially as follows:

DANGER

HAZARDOUS MATERIAL STORAGE AREA

(in this space—list the hazardous material stored within, by category—
pesticides, petroleum fuels, oils, or fertilizers)

ALL UNAUTHORIZED PERSONS—KEEP OUT IN AN EMERGENCY, CONTACT:

(in this space—list the name and phone number of an emergency contact person)

(c) The sign shall be repeated in an appropriate language other than

English when it may reasonably be anticipated that persons who do not understand the English language may enter the posted building.

NOTE: Authority cited: Sections 25503, 25503.5, and 25517.5, Health and Safety Code. Reference: Sections 25503, 25503.5, and 25504, Health and Safety Code. (New section filed as an emergency 9-12-86, operative 9-12-86; Certificate of Compliance must be transmitted no later than 1-12-87, or section will be repealed by operation of law (Gov. C. § 11346.1(g)); Register 86, No. 37).

HISTORY

1. Certificate of Compliance including amendment transmitted to OAL 1-7-87 and filed 2-6-87 (Register 87, No. 6).

Chapter 4.5. California Accidental Release Prevention (CalARP) Program Detailed Analysis

Article 1. General

§ 2735.1. Purpose.

The California Accidental Release Prevention (CalARP) program includes the federal Accidental Release Prevention program [Title 40, Code of Federal Regulations (CFR) Part 68] with certain additions specific to the state pursuant to Article 2, Chapter 6.95, of the Health and Safety Code (HSC). The purpose of the CalARP program is to prevent the accidental releases of regulated substances. The list of regulated substances are in Section 2770.5 of this chapter.

Stationary sources with more than a threshold quantity of a regulated substance shall be evaluated to determine the potential for and impacts of accidental releases from that covered process. Under conditions specified by this chapter, the owner or operator of a stationary source may be required to develop and submit a risk management plan (RMP). The RMP components and submission requirements are identified in Article 3 of this chapter.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Sections 25531.2, 25533, 25535.1 and 25543, Health and Safety Code.

HISTORY

1. New chapter 4.5, article 1 (sections 2735.1-2735.7) and section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New chapter 4.5, article 1 (sections 2735.1-2735.7) and section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certif-

[The next page is 122.19.]

icate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.

3. New article 1 (sections 2735.1-2735.7) and section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New article 1 (sections 2735.1-2735.7) and section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new article 1 (sections 2735.1-2735.7) and repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2735.2. Scope.

This chapter sets forth:

- (a) the list of regulated substances and thresholds,
- (b) the requirements for owners and operators of stationary sources concerning the prevention of accidental releases,
- (c) the accidental release prevention programs approved under Section 112(r) of the federal Clean Air Act (CAA) Amendments of 1990 and mandated under the CalARP program, and
- (d) how the CalARP program relates to the state's Unified Program.

The list of substances, threshold quantities, and accident prevention regulations promulgated under this chapter do not in any way limit the general duty provisions under Section 112(r)(1) of the federal CAA.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Sections 25531, 25532 and 25533, Health and Safety Code; and Section 68.1, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2735.3. Definitions.

For the purposes of this chapter only:

- (a) "AA" means Administering Agency, the local agency responsible to implement the CalARP program. In most instances, the Certified Unified Program Agency (CUPA) has this responsibility. When there is no CUPA, the implementing agency is the agency designated by the Secretary for Environmental Protection pursuant to Section 25404.3(f) of HSC or the agency designated by OES pursuant to 25533(f) of HSC.
- (b) "Accidental release" means an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.
- (c) "Administrative controls" mean written procedural mechanisms used for hazard control.
- (d) "Administrator" means the administrator of the USEPA.
- (e) "AIChE/CCPS" means the American Institute of Chemical Engineers/Center for Chemical Process Safety.
- (f) "API" means the American Petroleum Institute.
- (g) "Article" means a manufactured item, as defined under Section 5189 of Title 8 of the California Code of Regulations (CCR), that is formed to a specific shape or design during manufacture, that has end use functions dependent in whole or in part upon the shape or design during end use, and that does not release or otherwise result in exposure to a regulated substance under normal conditions of processing and use.
- (h) "ASME" means the American Society of Mechanical Engineers.

(i) "CAS" means the Chemical Abstracts Service.

(j) "CFR" means the Code of Federal Regulations

(k) "Catastrophic release" means a major uncontrolled emission, fire, or explosion, involving one or more regulated substances that presents an imminent and substantial endangerment to public health and the environment.

(l) "Classified information," as defined in the Classified Information Procedures Act, Appendix 3 of Section 1(a) of Title 18 of the United States Code, means "any information or material that has been determined by the United States Government pursuant to an executive order, statute, or regulation, to require protection against unauthorized disclosure for reasons of national security."

(m) "Condensate" means hydrocarbon liquid separated from natural gas that condenses due to changes in temperature, pressure, or both, and remains liquid at standard conditions.

(n) "Covered process" means a process that has a regulated substance present in more than a threshold quantity as determined under Section 2770.2 of this chapter.

(o) "Crude oil" means any naturally occurring, unrefined petroleum liquid.

(p) "DOT" means the United States Department of Transportation.

(q) "Environmental receptor" means natural areas such as national or state parks, forests, or monuments; officially designated wildlife sanctuaries, preserves, refuges, or areas; and Federal wilderness areas, that could be exposed at any time to toxic concentrations, radiant heat, or overpressure greater than or equal to the endpoints provided in Section 2750.2(a), as a result of an accidental release and that can be identified on local United States Geological Survey maps.

(r) "Field gas" means gas extracted from a production well before the gas enters a natural gas processing plant.

(s) "Hot work" means work involving electric or gas welding, cutting, brazing, or similar flame or spark-producing operations.

(t) "Injury" means any effect on a human that results either from direct exposure to toxic concentrations; radiant heat; or overpressures from accidental releases or from the direct consequences of a vapor cloud explosion (such as flying glass, debris, and other projectiles) from an accidental release and that requires medical treatment or hospitalization.

(u) "Interested persons" means those residents, workers, students and others who would be potentially affected by an accidental or catastrophic release.

(v) "Major change" means introduction of a new process, process equipment, or regulated substance, an alteration of process chemistry that results in any change to safe operating limits, or other alteration that introduces a new hazard.

(w) "Mechanical integrity" means the process of ensuring that process equipment is fabricated from the proper materials of construction and is properly installed, maintained, and replaced to prevent failures and accidental releases.

(x) "Medical treatment" means treatment, other than first aid, administered by a physician or registered professional personnel under standing orders from a physician.

(y) "Mitigation or mitigation system" means specific activities, technologies, or equipment designed or deployed to capture or control substances upon loss of containment to minimize exposure of the public or the environment. Passive mitigation means equipment, devices, or technologies that function without human, mechanical, or other energy input. Active mitigation means equipment, devices, or technologies that need human, mechanical, or other energy input to function.

(z) "Modified stationary source" means a stationary source which has undergone an addition or change which qualifies as a "major change" as defined in (v) of this section.

(aa) "NAICS" means the North American Industry Classification System.

(bb) "NFPA" means the National Fire Protection Association.

(cc) "Natural gas processing plant" (gas plant) means any processing site engaged in the extraction of natural gas liquids from field gas, frac-

tionation of mixed natural gas liquids to natural gas products, or both, classified as North American Industrial Classification System (NAICS) code 211112 (previously Standard Industrial Classification (SIC) code 1321).

(dd) "OES" means the Governor's Office of Emergency Services.

(ee) "Offsite" means areas beyond the property boundary of the stationary source, and areas within the property boundary to which the public has routine and unrestricted access during or outside business hours.

(ff) "OSHA" means the Occupational Safety and Health Administration.

(gg) "Owner or operator" means any person who owns, leases, operates, controls, or supervises a stationary source.

(hh) "Part 68" means Part 68 of Subpart A of Subchapter C of Chapter I of Title 40 of CFR.

(ii) "Petroleum refining process unit" means a process unit used in an establishment primarily engaged in petroleum refining as defined in NAICS code 32411 for petroleum refining (formerly SIC code 2911) and used for the following: (1) producing transportation fuels (such as gasoline, diesel fuels, and jet fuels), heating fuels (such as kerosene, fuel gas distillate, and fuel oils), or lubricants; (2) separating petroleum; or (3) separating, cracking, reacting, or reforming intermediate petroleum streams. Examples of such units include, but are not limited to, petroleum based solvent units, alkylation units, catalytic hydrotreating, catalytic hydrorefining, catalytic hydrocracking, catalytic reforming, catalytic cracking, crude distillation, lube oil processing, hydrogen production, isomerization, polymerization, thermal processes, and blending, sweetening, and treating processes. Petroleum refining process units include sulfur plants.

(jj) "Population" means the public.

(kk) "Process" means any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of these activities. For the purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process.

(ll) "Produced water" means water extracted from the earth from an oil or natural gas production well, or that is separated from oil or natural gas after extraction.

(mm) "Public" means any person except employees or contractors at the stationary source.

(nn) "Public receptor" means offsite residences, institutions (e.g., schools, hospitals), industrial, commercial, and office buildings, parks, or recreational areas inhabited or occupied by the public at any time without restriction by the stationary source where members of the public could be exposed to toxic concentrations, radiant heat, or overpressure, as a result of an accidental release.

(oo) "Qualified person" means a person who is qualified to attest, at a minimum to: (1) the validity and appropriateness of the process hazard analyses (PHA) performed pursuant to Section 2760.2; (2) the completeness of a risk management plan; and (3) the relationship between the corrective steps taken by the owner or operator following the PHAs and those hazards which were identified in the analyses.

(pp) "Qualified position" means a person occupying a position who is qualified to attest, at a minimum to: (1) the validity and appropriateness of the PHA performed pursuant to Section 2760.2; (2) the completeness of a risk management plan; and (3) the relationship between the corrective steps taken by the owner or operator following the PHAs and those hazards which were identified in the analyses.

(qq) "Regulated substance" means any substance, unless otherwise indicated, listed in Section 2770.5 of this chapter.

(rr) "Replacement in kind" means a replacement that satisfies the design specifications.

(ss) Retail facility means a stationary source at which more than one-half of the income is obtained from direct sales to end users or at which

more than one-half of the fuel sold, by volume, is sold through a cylinder exchange program.

(tt) "RMP" means the risk management plan as described by the component elements identified in Article 3 of this chapter.

(uu) "Stationary source" means any buildings, structures, equipment, installations, or substance emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under common control), and from which an accidental release may occur. The term stationary source does not apply to transportation, including storage incident to transportation, of any regulated substance or any other extremely hazardous substance under the provisions of this chapter. A stationary source includes transportation containers used for storage not incident to transportation and transportation containers connected to equipment at a stationary source for loading or unloading. Transportation includes, but is not limited to, transportation subject to oversight or regulations under Part 192, 193, or 195 of Title 49 of CFR, or a state natural gas or hazardous liquid program for which the state has in effect a certification to DOT under Section 60105 of Title 49 of USC. A stationary source does not include naturally occurring hydrocarbon reservoirs. Properties shall not be considered contiguous solely because of a railroad or pipeline right-of-way.

(vv) "Threshold quantity" means the quantity specified for a regulated substance pursuant to Section 2770.5 and determined to be present at a stationary source as specified in Section 2770.2 of this chapter.

(ww) "Trade secret" means trade secrets as defined in Section 6254.7 of Subdivision (d) of the Government Code and Section 1060 of the Evidence Code and includes information submitted to an administering agency which has been designated by the stationary source as trade secret and which shall not be released by the AA except to authorized officers and employees of other governmental agencies, and only in connection with the official duties of that officer or employee pursuant to any law for the protection of health and safety. Trade secret information is to be handled pursuant to Section 25538 of HSC.

(xx) "Typical meteorological conditions" means the temperature, wind speed, cloud cover, and atmospheric stability class, prevailing at the site based on data gathered at or near the site or from a local meteorological station.

(yy) "Vessel" means any reactor, tank, drum, barrel, cylinder, vat, kettle, boiler, pipe, hose, or other container.

(zz) "Worst-case release" means the release of the largest quantity of a regulated substance from a vessel or process line failure that results in the greatest distance to an endpoint defined in Section 2750.2(a) of this chapter.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Sections 25501 and 25532, Health and Safety Code; and Section 68.3, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. Editorial correction of subsection (bb) (Register 98, No. 11).
4. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).
7. New subsection (rr) and subsection relettering filed 10-10-2002; operative 10-10-2002. Submitted to OAL for printing only pursuant to Health and Safety Code section 25533 (Register 2002, No. 41).

8. New subsection (aa), repealer of subsection (tt) and subsection relettering filed 6-28-2004; operative 6-28-2004. Submitted to OAL for printing only (Register 2004, No. 27).

§ 2735.4. Applicability.

(a) The requirements of this chapter apply to an owner or operator of a stationary source with more than a threshold quantity of a regulated substance in a process. Regulated substances are listed in three separate tables in Section 2770.5 of this chapter. An owner or operator of a stationary source shall comply with one of the following:

(1) If a stationary source has a process with more than a threshold quantity of a regulated substance as listed in Table 1 or 2 of Section 2770.5, the owner or operator shall comply with the provisions of this chapter pursuant to the time frames identified in Section 2745.1(b);

(2) If a stationary source has a process with more than a threshold quantity of a regulated substance as listed in Table 3 of Section 2770.5, and the AA makes a determination pursuant to Section 25534 of HSC that an RMP is required, the owner or operator shall comply with the appropriate provisions of this chapter pursuant to the time frame identified in Section 2745.1(d) or (e); or,

(3) If a stationary source has a process with more than a threshold quantity of a regulated substance as listed in Tables 1 or 2 and Table 3 of Section 2770.5, the owner or operator shall comply with the provision of this chapter pursuant to the time frames identified in Section 2745.1(b).

(b) The CalARP program defines three program levels with different levels of requirements depending upon the complexity, accident history, and potential impact of releases of regulated substances.

(c) Program 1 eligibility requirements. A covered process is eligible for Program 1 requirements as provided in Section 2735.5(d) if it meets all of the following requirements:

(1) For the five years prior to the submission of an RMP, the process has not had an accidental release of a regulated substance where exposure to the substance, its reaction products, overpressure generated by an explosion involving the substance, or radiant heat generated by a fire involving the substance has led to any of the following offsite consequences:

(A) Death;

(B) Injury; or,

(C) Response or restoration activities for an exposure of an environmental receptor;

(2) The distance to a toxic or flammable endpoint for a worst-case release assessment conducted under Article 4 of Section 2750.3 is less than the distance to any public receptor, as defined in Section 2735.3 (nn) and Section 2750.5; and,

(3) Emergency response procedures have been coordinated between the stationary source and local emergency planning and response organizations.

(d) Program 2 eligibility requirements. A covered process is subject to Program 2 requirements if it does not meet the eligibility requirements of either section (c) or (e).

(e) Program 3 eligibility requirements. A covered process is subject to Program 3 if the process does not meet the requirements of section (c), and if any of the following conditions apply:

(1) The process is in NAICS code 32211, 32411, 32511, 325181, 325188, 325192, 325199, 325211, 325311, or 32532.

(2) The process is subject to the federal or state OSHA process safety management standards of Section 1910.119 of Title 29 of CFR or Section 5189 of Title 8 of CCR.

(3) The AA determines that the accident risk posed by the regulated substance in a process above the threshold quantity as listed in Table 3 of Section 2770.5, because of the nature and quantity of the regulated substance involved, requires the additional safety measures afforded by Program 3 requirements, pursuant to section 25534 of HSC.

(f) If at any time a covered process no longer meets the eligibility criteria of its Program level, the owner or operator shall comply with the re-

quirements of the new Program level that applies to the process and update the RMP as provided in Section 2745.10.

(g) The provisions of this chapter shall not apply to an Outer Continental Shelf ("OCS") source, as defined in Section 55.2 of Title 40 of CFR.

NOTE: Authority cited: Sections 25531, 25534.05, Health and Safety Code. Reference: Sections 25534, 25535 (d) and 25536, Health and Safety Code; and Section 68.10, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).
6. Amendment of subsections (c)(2) and (e)(1) filed 6-28-2004; operative 6-28-2004. Submitted to OAL for printing only (Register 2004, No. 27).

§ 2735.5. General Requirements.

(a) Coordination. The owner or operator of a stationary source shall closely coordinate with the AA to implement the requirements of this chapter and to determine the appropriate level of documentation required for an RMP to comply with Sections 2745.3 through 2745.9 of this chapter. This requirement shall not preclude public access to RMP information. Classified information need not be included in the RMP but shall be made available to the AA to the extent allowable by law. Trade secrets are protected pursuant to Section 25538 of HSC.

(b) General requirements for RMPs.

(1) The owner or operator of a stationary source that is subject to this chapter, pursuant to Section 2735.4, shall submit an RMP which includes all requirements described in Section 2745.3 through Section 2745.9.

(2) The RMP shall include a registration that reflects all covered processes.

(c) Model RMPs may be used by stationary sources if accepted for use by AAs, in consultation with OES. Model RMPs for a process that has in excess of a threshold quantity of a regulated substance listed in Table 1 or 2 of Section 2770.5 must also be recognized by USEPA. OES may limit the use, application, or scope of these models.

(d) Program 1 requirements. In addition to meeting the requirements of section (b), the owner or operator of a stationary source with a process eligible for Program 1, as provided in Section 2735.4(c) shall:

(1) Analyze the worst-case release scenario for the process(es), as provided in Section 2750.3; document that the nearest public receptor is beyond the distance to a toxic or flammable endpoint defined in Section 2750.2(a); and submit in the RMP the worst-case release scenario as provided in Section 2745.4;

(2) Complete the five-year accident history for the process as provided in Section 2750.9 of this chapter and submit it in the RMP as provided in Section 2745.5;

(3) Ensure that response actions have been coordinated with local emergency planning and response agencies; and,

(4) Certify in the RMP the following: "Based on the criteria in Section 2735.4 of Title 19 of CCR, the distance to the specified endpoint for the worst-case accidental release scenario for the following process(es) is less than the distance to the nearest public receptor: [list process(es)]. Within the past five years, the process(es) has (have) had no accidental release that caused offsite impacts provided in the risk management program Section 2735.4(c)(1). No additional measures are necessary to prevent offsite impacts from accidental releases. In the event of fire, explosion, or a release of a regulated substance from the process(es), entry

within the distance to the specified endpoints may pose a danger to public emergency responders. Therefore, public emergency responders should not enter this area except as arranged with the emergency contact indicated in the RMP. The undersigned certifies that, to the best of my knowledge, information, and belief, formed after reasonable inquiry, the information submitted is true, accurate, and complete. (Signature, title, date signed)."

(e) Program 2 requirements. In addition to meeting the requirements of section (b), the owner or operator of a stationary source with a process subject to Program 2, as provided in Section 2735.4(d), shall:

(1) Develop and implement a management system as provided in Section 2735.6;

(2) Conduct a hazard assessment as provided in Sections 2750.1 through 2750.9;

(3) Implement the Program 2 prevention steps provided in Sections 2755.1 through 2755.7 or implement the Program 3 prevention steps provided Sections 2760.1 through 2760.12;

(4) Develop and implement an emergency response program as provided in Sections 2765.1 to 2765.2; and

(5) Submit as part of the RMP the data on prevention program elements for Program 2 processes as provided in Section 2745.6.

(f) Program 3 requirements. In addition to meeting the requirements of section (b), the owner or operator of a stationary source with a process subject to Program 3, as provided in Section 2735.4(e) shall:

(1) Develop and implement a management system as provided in Section 2735.6;

(2) Conduct a hazard assessment as provided in Sections 2750.1 through 2750.9;

(3) Implement the prevention requirements of Sections 2760.1 through 2760.12;

(4) Develop and implement an emergency response program as provided in Sections 2765.1 to 2765.2; and,

(5) Submit as part of the RMP the data on prevention program elements for Program 3 processes as provided in Section 2745.7.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Sections 25533, 25534, 25534.05 and 25538, Health and Safety Code; and Section 68.12, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2735.6. CalARP Program Management System.

(a) The owner or operator of a stationary source with processes subject to Program 2 or Program 3 shall develop a management system to oversee the implementation of the risk management program elements.

(b) The owner or operator shall assign a qualified person or position that has the overall responsibility for the development, implementation, and integration of the risk management program elements.

(c) When responsibility for implementing individual requirements of this chapter is assigned to persons other than the person identified under section (b), the names or positions of these people shall be documented and the lines of authority defined through an organization chart or similar document.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Sections 25534.1, 25535.1, 25535 and 25536, Health and Safety Code; and Section 68.15, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2735.7. Emergency Information Access

Upon request of a state or local emergency response agency the AA shall provide immediate access to all components of the CalARP program. If any of the components of the CalARP Program are designated as "trade secret" as defined in Section 6254.7(d) of the Government Code and Section 1060 of the Evidence Code, the emergency response agency or agencies shall be given notice that the information released shall be used only in connection with the official duties of the agency or agencies and shall not otherwise be released.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Sections 25538(c) and 25539, Health and Safety Code.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

Article 2. Registration

§ 2740.1. Registration.

(a) If an RMP is required under Section 2735.4(a)(1) and (a)(3), the owner or operator of the stationary source shall complete the registration information required in (d) of this section and submit it with the RMP to USEPA, with a copy provided to the AA.

(b) If an RMP is required under Section 2735.4(a)(2), the owner or operator of the stationary source shall complete the registration information required in (d) of this section and submit it with the RMP to the AA.

(c) The AA may request a registration from a stationary source covered by this chapter prior to submittal of the RMP. Registration submitted prior to an RMP submittal shall include a certification of accuracy.

(d) The registration shall include the following data:

(1) Stationary source name, street, city, county, state, zip code, latitude, and longitude, method for obtaining latitude and longitude, and description of location that latitude and longitude represent;

(2) The stationary source Dun and Bradstreet number;

(3) Name and Dun and Bradstreet number of the corporate parent company;

(4) The name, telephone number, and mailing address of the owner or operator;

(5) The name and title of the person or position with overall responsibility for RMP elements and implementation, and (optional) the e-mail address for that person or position;

(6) The name, title, telephone number, and 24-hour telephone number, and, as of June 21, 2004, the e-mail address (if an e-mail address exists) of the emergency contact;

(7) For each covered process, the name and CAS number of each regulated substance held above the threshold quantity in the process, the maximum quantity of each regulated substance or mixture in the process (in pounds) to two significant digits, the five- or six-digit NAICS code that most closely corresponds to the process, and the Program level of the process;

(8) The stationary source USEPA identifier;

(9) The number of full-time employees at the stationary source;

(10) Whether the stationary source is subject to Section 5189 of Title 8 of CCR;

(11) Whether the stationary source is subject to Part 355 of Title 40 of CFR;

(12) If the stationary source has a CAA Title V operating permit, the permit number;

(13) The date of the last safety inspection of the stationary source by a federal, state, or local government agency and the identity of the inspecting entity.

(14) As of June 21, 2004, the name, the mailing address, and the telephone number of the contractor who prepared the RMP (if any);

(15) Source or Parent Company E-Mail Address (Optional);

(16) Source Homepage address (Optional);

(17) Phone number at the source for public inquires (Optional);

(18) Local Emergency Planning Committee (Optional);

(19) OSHA Voluntary Protection Program status (Optional); and,

(20) As of June 21, 2004, the type of and reason for any changes being made to a previously submitted RMP; the types of changes to RMP are categorized as follows:

(A) Updates and re-submissions required under Section 2745.10(a) or (b);

(B) Corrections under Section 2745.10.5 or for purposes of correcting minor clerical errors, updating administrative information, providing missing data elements or reflecting facility ownership changes, and which do not require an update and resubmission as specified in Section 2745.10(a) or (b);

(C) De-registrations required under Section 2745.10(c) or (d); and,

(D) Withdrawals of an RMP for any facility that was erroneously considered subject to the CalARP Program.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Sections 25531, 25534.05(a)(1) and 25533(b), Health and Safety Code; and Section 68.160, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New article 2 (sections 2740.1–2740.2) and section filed 7–10–97 as an emergency; operative 7–10–97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–7–97 or emergency language will be repealed by operation of law on the following day.

2. New article 2 (sections 2740.1–2740.2) and section refiled 10–31–97 as an emergency; operative 11–7–97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3–9–98 or emergency language will be repealed by operation of law on the following day.

3. Repealer and new section heading, repealer and new subsection (a), repealer of subsections (b)–(d), repealer of former section 2740.2 heading, relettering of former section 2740.2(a)–(b)(13) as new section 2740.1(b)–(c)(13) and amendment of NOTE filed 2–11–98 as an emergency; operative 2–11–98 (Register 98, No. 7). A Certificate of Compliance must be transmitted to OAL by 6–11–98 or emergency language will be repealed by operation of law on the following day.

4. Editorial correction of HISTORY 3 (Register 98, No. 11).

5. New article 2 (sections 2740.1–2740.2) and section including 2–11–98 amendments refiled 3–9–98 as an emergency; operative 3–9–98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7–7–98 or emergency language will be repealed by operation of law on the following day.

6. New article 2 (sections 2740.1–2740.2) and section refiled 7–7–98 as an emergency; operative 7–7–98 (Register 98, No. 28). A Certificate of Compliance

must be transmitted to OAL by 11–4–98 or emergency language will be repealed by operation of law on the following day.

7. Certificate of Compliance as to 7–7–98 order, including repealer and new article 2 (section 2740.1) and repealer and new section, transmitted to OAL 10–7–98 and filed 11–16–98 (Register 98, No. 47).

8. Amendment of subsections (d)(1), (d)(5)–(7) and (d)(12) and new subsections (d)(14)–(d)(20)(D) filed 6–28–2004; operative 6–28–2004. Submitted to OAL for printing only (Register 2004, No. 27).

§ 2740.2. (Reserved).

HISTORY

1. New section filed 7–10–97 as an emergency; operative 7–10–97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–7–97 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 10–31–97 as an emergency; operative 11–7–97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3–9–98 or emergency language will be repealed by operation of law on the following day.

3. Repealer and new section heading, relettering of former section 2740.2(a)–(b)(13) as new section 2740.1(b)–(c)(13), new section 2740.2, and repealer and new NOTE filed 2–11–98 as an emergency; operative 2–11–98 (Register 98, No. 7). A Certificate of Compliance must be transmitted to OAL by 6–11–98 or emergency language will be repealed by operation of law on the following day.

4. New section including 2–11–98 amendments refiled 3–9–98 as an emergency; operative 3–9–98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7–7–98 or emergency language will be repealed by operation of law on the following day.

5. New section refiled 7–7–98 as an emergency; operative 7–7–98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–4–98 or emergency language will be repealed by operation of law on the following day.

6. Certificate of Compliance as to 7–7–98 order, including repealer of section, transmitted to OAL 10–7–98 and filed 11–16–98 (Register 98, No. 47).

Article 3. Risk Management Plan Components and Submission Requirements

§ 2745.1. Submission.

(a) The owner or operator of a stationary source, which handles more than a threshold quantity of a regulated substance in a process, shall determine the applicability of this chapter as set forth in Section 2735.4(a) and shall submit a single RMP to the AA. The RMP shall include the information required by Sections 2745.3 through 2745.9.

(b) The RMP information required by USEPA shall be submitted to USEPA no later than the latest of the following dates:

(1) June 21, 1999;

(2) Three years after the date on which a regulated substance is first listed under Section 68.130, Part 68, Title 40 of CFR; or,

(3) The date on which a regulated substance is first present in a process, above the threshold quantity, as listed on Section 2770.5 Table 1 or 2.

(c) The owner or operator of a stationary source shall submit a copy of USEPA required RMP information according to the time frame set forth in (b) of this section to the AA.

(d) If a determination is made pursuant to section 2735.4(a)(2) that an existing stationary source must comply with this chapter, the owner or operator shall submit an RMP to the AA after the owner or operator has received a notice from the AA requesting submission of an RMP. The AA shall, in consultation with the owner or operator of a stationary source, establish an RMP submittal date. The AA shall not require submission of the RMP earlier than 12 months or later than 3 years after the notice has been issued to the owner or operator.

(e) If a determination is made pursuant to section 2735.4(a)(2) that a new or modified stationary source must comply with this chapter, the owner or operator shall submit an RMP to the AA prior to the date in which a regulated substance is first present in a process above the listed threshold quantity.

(f) This chapter does not require the owner or operator to submit external event analysis or supplemental information, required by the AA, to USEPA unless that information is required by federal law.

(g) If a pesticide, as defined in Section 12753 of the Food and Agricultural Code, is used on a farm or nursery and is determined by the AA to pose a regulated substances accident risk; the AA shall first consult with the county agricultural commissioner or the Department of Food and Agriculture to evaluate whether the existing RMP is adequate in relation to the regulated substances accident risk. This paragraph does not prohibit, or limit the authority of an AA to conduct its duties.

(h) The owner or operator of any stationary source for which an RMP was submitted before June 21, 2004, shall revise the RMP to include information required by Section 2740.1(d)(6) and (d)(14), by June 21, 2004 in the manner specified by USEPA prior to that date. Any such submission shall also include the information required by Section 2740.1(d)(20) (indicating that the submission is a correction to include the information required by Section 2740.1(d)(6) and (d)(14) or an update under Section 2745.10). RMP revisions shall be consistent with Section 2735.5(a).

(i) RMPs submitted under this Section shall be updated and corrected in accordance with Section 2745.10 and Section 2745.10.5.

(j) Notwithstanding the provisions of Sections 2745.3 through 2745.9 the RMP shall exclude classified information. Subject to appropriate procedures to protect such information from public disclosure, classified data or information excluded from the RMP may be made available in a classified annex to the RMP for review by federal and state representatives who have received the appropriate security clearances required for the classified data or information being reviewed.

(k) Upon request, the AA shall submit to OES copies of the RMP and the federal registration.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Sections 25533, 25534, 25535.1 and 25536, Health and Safety Code; and Section 68.150, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New article 3 (sections 2745.1–2745.12) and section filed 7–10–97 as an emergency; operative 7–10–97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–7–97 or emergency language will be repealed by operation of law on the following day.
2. New article 3 (sections 2745.1–2745.12) and section refiled 10–31–97 as an emergency; operative 11–7–97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3–9–98 or emergency language will be repealed by operation of law on the following day.
3. New article 3 (sections 2745.1–2745.12) and section refiled 3–9–98 as an emergency; operative 3–9–98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7–7–98 or emergency language will be repealed by operation of law on the following day.
4. New article 3 (sections 2745.1–2745.12) and section refiled 7–7–98 as an emergency; operative 7–7–98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–4–98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7–7–98 order, including repealer and new article 3 (sections 2745.1–2745.12) and repealer and new section, transmitted to OAL 10–7–98 and filed 11–16–98 (Register 98, No. 47).
6. New subsection (h), subsection relettering and amendment of newly designated subsection (i) filed 6–28–2004; operative 6–28–2004. Submitted to OAL for printing only (Register 2004, No. 27).

§ 2745.2. RMP Review Process.

(a) The RMP review process shall include:

(1) Consultation and review. The RMP shall be certified complete by a qualified person and the stationary source owner or operator and shall be submitted to the AA. Completeness shall be determined in accordance with Sections 2745.3 through 2745.9. The stationary source shall work closely with the AA to determine that the RMP contains an appropriate level of detail.

(2) Initial public notice. The AA shall publish notice in a local newspaper of general circulation that the RMP has been submitted and the AA has initiated the process for government and public review.

(3) Deficiency notice. The AA shall review the RMP to determine if all the elements pursuant to Sections 2745.3 through 2745.9 are contained in the document and provide a written notice to the owner or operator of a stationary source of any deficiencies. The AA may authorize the air pollution control district (APCD) or air quality management district (AQMD) to conduct a technical review of the RMP.

(A) The owner or operator of the stationary source shall have 60 calendar days from receipt of the notification of RMP deficiencies to make any corrections. An owner or operator of the stationary source may request, in writing, a one-time 30 calendar day extension to correct deficiencies. At the end of the 60 calendar days, and any extension period if applicable, the stationary source shall resubmit the corrected, revised RMP to the AA. Failure to correct deficiencies during the specified time frame shall subject the owner or operator of the stationary source to the penalties specified in Sections 25540 and 25541 of HSC.

(B) If no deficiencies are identified, the AA shall accept the RMP as complete and submit the RMP for formal public review.

(4) Formal public review. Within 15 calendar days after the AA determines that the RMP is complete, the AA shall make the RMP available to the public for review and comment by publishing a notice in a local newspaper of general circulation. The notice shall describe the RMP and state a location where it may be reviewed. The AA shall directly notify individuals and organizations who have specifically requested to be notified. The public shall have 45 calendar days to comment following the publication date of the notice. The AA shall review all public comments.

(5) Evaluation review. The evaluation review shall be conducted by the AA at the end of the formal public review period. The AA shall take the public comments into consideration during the evaluation review. The AA shall consider standard application of engineering and scientific principles, site specific characteristics, technical accuracy, severity of offsite consequences, and other information in the possession of or reviewed by the AA. The evaluation review may include inspections and onsite document review of records and data which may not be in the possession of the AA.

(6) The evaluation review shall be completed by the AA as follows:

(A) For an RMP which includes only Program 1 or Program 2 processes, the evaluation review shall be completed within 36 months.

(B) For an RMP which includes a Program 3 process, the evaluation review shall be completed within 24 months.

(C) The evaluation review does not include time for corrections of deficiencies pursuant to section (3)(A).

(7) Inspection or audit authority. Nothing in this section shall preclude the authority of an AA to inspect or audit a stationary source.

(8) Public access. The public shall have access to the RMP, including any electronic data developed as part of the USEPA reporting requirements. Classified information need not be included. Trade secrets are protected pursuant to Section 25538 of HSC.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Sections 25531.1, 25534.5, 25535, 25535.2 and 25538, Health and Safety Code.

HISTORY

1. New section filed 7–10–97 as an emergency; operative 7–10–97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–7–97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10–31–97 as an emergency; operative 11–7–97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3–9–98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3–9–98 as an emergency; operative 3–9–98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7–7–98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7–7–98 as an emergency; operative 7–7–98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–4–98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7–7–98 order, including repealer and new section, transmitted to OAL 10–7–98 and filed 11–16–98 (Register 98, No. 47).

§ 2745.3. RMP Executive Summary Component.

The owner or operator shall provide in the RMP an executive summary that includes a brief description of the following elements:

(a) The accidental release prevention and emergency response policies at the stationary source;

(b) The stationary source and regulated substances handled;

(c) The general accidental release prevention program and chemical-specific prevention steps;

(d) The five-year accident history;

(e) The emergency response program; and,

(f) Planned changes to improve safety.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.155, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).
6. Repealer of subsection (c) and subsection relettering filed 6-28-2004; operative 6-28-2004. Submitted to OAL for printing only (Register 2004, No. 27).

§ 2745.4. RMP Offsite Consequence Analysis Component.

(a) The owner or operator shall submit the following information in the RMP:

(1) Program 1 processes: One worst-case release scenario for each Program 1 process; and,

(2) Program 2 and 3 processes: One worst-case release scenario to represent all regulated toxic substances held above the threshold quantity and one worst-case release scenario to represent all regulated flammable substances held above the threshold quantity.

(A) If additional worst-case scenarios for toxics or flammables are required by Section 2750.3(a)(2)(C), the owner or operator shall submit the same information on the additional scenario(s).

(B) The owner or operator shall also submit information on one alternative release scenario for each regulated toxic substance held above the threshold quantity and one alternative release scenario to represent all regulated flammable substances held above the threshold quantity.

(b) The owner or operator shall submit the following data:

- (1) Chemical name;
- (2) Percentage weight of the chemical in a liquid mixture (toxics only);
- (3) Physical state (toxics only);
- (4) Basis of results (give model name if used);
- (5) Scenario (explosion, fire, toxic gas release, or liquid spill and vaporization);
- (6) Quantity released in pounds;
- (7) Release rate;
- (8) Release duration;
- (9) Wind speed and atmospheric stability class (toxics only);
- (10) Topography (toxics only);
- (11) Distance to endpoint;
- (12) Public and environmental receptors within the distance;
- (13) Passive mitigation considered; and,
- (14) Active mitigation considered (alternative releases only).

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Sections 25531.1 and 25534.05, Health and Safety Code; and Section 68.165, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98

or emergency language will be repealed by operation of law on the following day.

3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).
6. New subsection (b)(2) and subsection relettering filed 6-28-2004; operative 6-28-2004. Submitted to OAL for printing only (Register 2004, No. 27).

§ 2745.5. RMP Five-year Accident History Component.

The owner or operator shall submit as part of the RMP the information required by Section 2750.9(b) on each accident covered by Section 2750.9(a).

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25543.1, Health and Safety Code; and Section 68.168, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2745.6. RMP Program 2 Prevention Program Component.

(a) For each Program 2 process, the owner or operator shall provide in the RMP the information indicated in sections (b) through (h). If the same information applies to more than one covered process, the owner or operator may provide the information only once, but shall indicate to which processes the information applies.

(b) The five- or six-digit NAICS code that most closely corresponds to the process.

(c) The name(s) of the chemical(s) covered.

(d) The date of the most recent review or revision of the safety information and a list of federal or state regulations or industry-specific design codes and standards used to demonstrate compliance with the safety information requirement.

(e) The date of completion of the most recent hazard review or update.

(1) The expected date of completion of any changes resulting from the hazard review;

(2) Major hazards identified;

(3) Process controls in use;

(4) Mitigation systems in use;

(5) Monitoring and detection systems in use; and,

(6) Changes since the last hazard review.

(f) The date of the most recent review or revision of operating procedures.

(g) The date of the most recent review or revision of training programs;

(1) The type of training provided – classroom, classroom plus on the job, on the job; and,

(2) The type of competency testing used.

(h) The date of the most recent review or revision of maintenance procedures and the date of the most recent equipment inspection or test and the equipment inspected or tested.

(i) The date of the most recent compliance audit and the expected date of completion of any changes resulting from the compliance audit.

(j) The date of the most recent incident investigation and the expected date of completion of any changes resulting from the investigation.

(k) The date of the most recent change that triggered a review or revision of safety information, the hazard review, operating or maintenance procedures, or training.

(l) The owner or operator shall submit the following external events analysis information:

(1) The types of natural and human caused external events considered in PHA Section 2760.2 or Hazard Review Section 2755.2.

(2) The estimated magnitude or scope of external events which were considered. If not known, the owner or operator of the stationary source shall work closely with the AA to determine what is required. If seismic events are applicable, the parameters used in the consideration of the seismic analysis and which edition of the Uniform Building Code was used when the process was designed.

(3) For each external event, with a potential to create a release of a regulated substance that will reach an endpoint offsite, apply sections (e)(1) through (e)(6).

(4) The date of the most recent field verification that equipment is installed and maintained as designed.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.170, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).
6. Amendment of subsection (b) filed 6-28-2004; operative 6-28-2004. Submitted to OAL for printing only (Register 2004, No. 27).

§ 2745.7. RMP Program 3 Prevention Program Component.

(a) For each Program 3 process, the owner or operator shall provide the information indicated in sections (b) through (q). If the same information applies to more than one covered process, the owner or operator may provide the information only once, but shall indicate to which processes the information applies.

(b) The five- or six-digit NAICS code that most closely corresponds to the process.

(c) The name(s) of the substance(s) covered.

(d) The date on which the safety information was last reviewed or revised.

(e) The date of completion of the most recent PHA or update and the technique used.

(1) The expected date of completion of any changes resulting from the PHA;

(2) Major hazards identified;

(3) Process controls in use;

(4) Mitigation systems in use;

(5) Monitoring and detection systems in use; and,

(6) Changes since the last PHA.

(f) The date of the most recent review or revision of operating procedures.

(g) The date of the most recent review or revision of training programs.

(1) The type of training provided—classroom, classroom plus on the job, on the job; and.

(2) The type of competency testing used.

(h) The date of the most recent review or revision of maintenance procedures and the date of the most recent equipment inspection or test and the equipment inspected or tested.

(i) The date of the most recent change that triggered management of change procedures and the date of the most recent review or revision of management of change procedures.

(j) The date of the most recent pre-startup review.

(k) The date of the most recent compliance audit and the expected date of completion of any changes resulting from the compliance audit.

(l) The date of the most recent incident investigation and the expected date of completion of any changes resulting from the investigation.

(m) The date of the most recent review or revision of employee participation plans.

(n) The date of the most recent review or revision of hot work permit procedures.

(o) The date of the most recent review or revision of contractor safety procedures.

(p) The date of the most recent evaluation of contractor safety performance.

(q) The owner or operator shall submit the following external events analysis information:

(1) The types of natural and human caused external events considered in PHA Section 2760.2;

(2) The magnitude or scope of external events which were considered. If not known, the owner or operator of the stationary source shall work closely with the AA to determine what is required. If seismic events are applicable, the parameters used in the consideration of the seismic analysis and which edition of the Uniform Building Code was used when the process was designed;

(3) For each external event, with a potential to create a release of a regulated substance that will reach an endpoint offsite, apply Sections (e)(1) through (e)(6); and,

(4) The date of the most recent field verification that equipment is installed and maintained as designed.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.175, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).
6. Amendment of subsection (b) filed 6-28-2004; operative 6-28-2004. Submitted to OAL for printing only (Register 2004, No. 27).

§ 2745.8. RMP Emergency Response Program Component.

(a) The owner or operator shall provide in the RMP the following information:

(1) Do you have a written emergency response plan?

(2) Does the plan include specific actions to be taken in response to an accidental release of a regulated substance?

(3) Does the plan include procedures for informing the public and local agencies responsible for responding to accidental releases?

(4) Does the plan include information on emergency health care?

(5) The date of the most recent review or update of the emergency response plan.

(6) The date of the most recent emergency response training for employees.

(b) The owner or operator shall provide the name and telephone number of the primary local emergency response agency with which the plan is coordinated.

(c) The owner or operator shall list other federal or state emergency plan requirements to which the stationary source is subject.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.180, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2745.9. RMP Certification.

(a) For Program 1 processes, the owner or operator shall submit in the RMP the certification statement provided in Section 2735.5(d)(4).

(b) For all other covered processes, the owner or operator shall submit in the RMP a single certification that, to the best of the signer's knowledge, information, and belief formed after reasonable inquiry, the information submitted is true, accurate, and complete.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.185, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2745.10. RMP Updates.

(a) The owner or operator of a stationary source which has a regulated substance listed in Table 1 or Table 2 in Section 2770.5 in quantities greater than the corresponding thresholds listed in Table 1 or 2 shall review and update the RMP and submit it in a method and format to a central point specified by USEPA and to the AA as of the date of submission. The owner or operator of a stationary source shall revise and update the RMP submitted under Section 2745.1 as follows:

(1) At least once every five years from the date of its initial submission or most recent update required by sections (a)(2) through (a)(7), whichever is later. For purposes of determining the date of initial submissions,

RMPs submitted before June 21, 1999 are considered to have been submitted on June 21, 1999;

(2) No later than three years after a newly regulated substance is first listed by USEPA;

(3) No later than the date on which a new regulated substance is first present in an already covered process above a threshold quantity;

(4) No later than the date on which a regulated substance is first present above a threshold quantity in a new process;

(5) Within six months of a change that requires a revised PHA or hazard review;

(6) Within six months of a change that requires a revised offsite consequence analysis as provided in section 2750.7; and,

(7) Within six months of a change that alters the Program level that applied to any covered process.

(b) The owner or operator of a stationary source which has regulated substances in a process listed in Section 2770.5 in quantities greater than Table 3 thresholds and less than thresholds in Tables 1 or 2 shall revise and update the RMP submitted under Section 2745.1. The updated RMP shall be submitted to the AA as follows:

(1) At least once every five years from the date of its initial submission or most recent update required by sections (b)(2) through (b)(7),

(2) No later than three years after a newly regulated substance is first listed by OES;

(3) No later than the date on which a new regulated substance is first present in an already covered process above a threshold quantity;

(4) No later than the date on which a regulated substance is first present above a threshold quantity in a new process;

(5) Within six months of a change that requires a revised PHA or hazard review;

(6) Within six months of a change that requires a revised offsite consequence analysis as provided in Section 2750.7; and,

(7) Within six months of a change that alters the Program level that applied to any covered process.

(c) If a stationary source is no longer subject to the applicability requirements of Section 2735.4(a)(1), the owner or operator shall submit a de-registration pursuant to Section 2740.1(a) to USEPA within six months indicating that the stationary source is no longer covered. A copy of the de-registration shall also be submitted to the AA.

(d) If a stationary source is no longer subject to the applicability requirements of Section 2735.4(a)(2) the owner or operator shall submit a de-registration pursuant to Section 2740.1(b) to the AA within six months indicating that the stationary source is no longer covered.

(e) Revised RMPs shall be subject to the public review process outlined in Section 2745.2.

(f) Within 30 days of a change in the owner or operator, the new owner or operator shall contact the AA to update registration information. The new owner or operator shall determine if RMP changes are necessary.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.190, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

6. Amendment of subsections (a)–(a)(1), (b)(1) and (c)–(d) filed 6–28–2004; operative 6–28–2004. Submitted to OAL for printing only (Register 2004, No. 27).

§ 2745.10.5. Required RMP Corrections.

(a) The owner or operator of a stationary source for which a RMP was submitted shall correct the RMP as follows:

(1) New accident history information — For any accidental release meeting the five-year accident history reporting criteria of Section 2750.9, the owner or operator shall submit the data required under Sections 2745.5, 2745.6(j), and 2745.7(l) with respect to that accident within six months of the release or by the time the RMP is updated under Section 2745.10, whichever is earlier.

(2) Emergency Contact information — Beginning June 21, 2004, within one month of any change in the emergency contact information required under Section 2740.1(d)(6), the owner or operator shall submit a correction of that information.

NOTE: Authority cited: Sections 25531, 25533 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.195, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 6–28–2004; operative 6–28–2004. Submitted to OAL for printing only (Register 2004, No. 27).

§ 2745.11. Covered Process Modification.

(a) When an owner or operator intends to make a modification to a stationary source relating to a covered process and the modification may result in a significant increase in either: the amount of regulated substances handled at the stationary source as compared to the amount of regulated substances identified in the stationary source's RMP, or the risk of handling a regulated substance as compared to the amount of risk identified in the stationary source's RMP, then the owner or operator shall do all of the following:

(1) Where reasonably possible, notify the AA in writing of the owner or operator's intent to modify the stationary source at least five calendar days before implementing any modifications. As part of the notification process, the owner or operator shall consult with the AA when determining whether the RMP should be reviewed and revised. Where prenotification is not reasonably possible, the owner or operator shall provide written notice to the AA no later than 48 hours following the modification.

(2) Establish procedures to manage the proposed modification, which shall be substantially similar to the procedures specified in Sections 2760.6 and 2760.7, and notify the AA that the procedures have been established.

(b) The owner or operator of the stationary source shall revise the appropriate documents, as required pursuant to section (a), expeditiously, but not later than 60 days from the date of the stationary source modification.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25543.2, Health and Safety Code.

HISTORY

1. New section filed 7–10–97 as an emergency; operative 7–10–97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–7–97 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 10–31–97 as an emergency; operative 11–7–97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3–9–98 or emergency language will be repealed by operation of law on the following day.

3. New section refiled 3–9–98 as an emergency; operative 3–9–98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7–7–98 or emergency language will be repealed by operation of law on the following day.

4. New section refiled 7–7–98 as an emergency; operative 7–7–98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–4–98 or emergency language will be repealed by operation of law on the following day.

5. Certificate of Compliance as to 7–7–98 order, including repealer and new section, transmitted to OAL 10–7–98 and filed 11–16–98 (Register 98, No. 47).

§ 2745.12. Certificate of Occupancy.

New or modified stationary sources shall comply with Section 65850.2(b) of the Government Code prior to the issuance of a certificate of occupancy.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25534.2, Health and Safety Code.

HISTORY

1. New section filed 7–10–97 as an emergency; operative 7–10–97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–7–97 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 10–31–97 as an emergency; operative 11–7–97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3–9–98 or emergency language will be repealed by operation of law on the following day.

3. New section refiled 3–9–98 as an emergency; operative 3–9–98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7–7–98 or emergency language will be repealed by operation of law on the following day.

4. New section refiled 7–7–98 as an emergency; operative 7–7–98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–4–98 or emergency language will be repealed by operation of law on the following day.

5. Certificate of Compliance as to 7–7–98 order, including repealer and new section, transmitted to OAL 10–7–98 and filed 11–16–98 (Register 98, No. 47).

Article 4. Hazard Assessment

§ 2750.1. Hazard Assessment Applicability.

The owner or operator of a stationary source subject to this chapter with a Program 1 process shall prepare a worst-case release scenario analysis as provided in Section 2750.3 and complete the five-year accident history as provided in Section 2750.9. The owner or operator of a Program 2 or 3 process shall comply with all sections in this article for these processes.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.20, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New article 4 (sections 2750.1–2750.9) and section filed 7–10–97 as an emergency; operative 7–10–97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–7–97 or emergency language will be repealed by operation of law on the following day.

2. New article 4 (sections 2750.1–2750.9) and section refiled 10–31–97 as an emergency; operative 11–7–97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3–9–98 or emergency language will be repealed by operation of law on the following day.

3. New article 4 (sections 2750.1–2750.9) and section refiled 3–9–98 as an emergency; operative 3–9–98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7–7–98 or emergency language will be repealed by operation of law on the following day.

4. New article 4 (sections 2750.1–2750.9) and section refiled 7–7–98 as an emergency; operative 7–7–98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–4–98 or emergency language will be repealed by operation of law on the following day.

5. Certificate of Compliance as to 7–7–98 order, including repealer and new article 4 (sections 2750.1–2750.9) and repealer and new section, transmitted to OAL 10–7–98 and filed 11–16–98 (Register 98, No. 47).

§ 2750.2. Offsite Consequence Analysis Parameters.

(a) Endpoints. The following endpoints shall be used for analyses of offsite consequences:

(1) Toxic endpoints for Table 1 regulated substances (Section 2770.5), are provided in Appendix A of this chapter.

(2) Use the toxic endpoints in Appendix A for regulated substances listed on both Table 1 and Table 3 (Section 2770.5).

(3) Toxic endpoints for regulated substances listed only on Table 3 (Section 2770.5), shall be provided by OES as developed in consultation with the CalEPA, Office of Health Hazard Assessment.

(4) Flammables. For Table 2 regulated flammable substances (Section 2770.5), flammable endpoints vary according to the scenarios studied, based upon the following:

(A) Explosion. An overpressure of 1 psi.

(B) Radiant heat/exposure time. A radiant heat of 5 kw/m² for 40 seconds.

(C) Lower flammability limit. A lower flammability limit as provided in NFPA documents or other generally recognized sources.

(b) Wind speed/atmospheric stability class. For the worst-case release analysis, the owner or operator shall use a wind speed of 1.5 meters per second and F atmospheric stability class. If the owner or operator can demonstrate that local meteorological data applicable to the stationary source show a higher minimum wind speed or less stable atmosphere at all times during the previous three years, these minimums may be used. For analysis of alternative scenarios, the owner or operator may use the typical meteorological conditions for the stationary source.

(c) Ambient temperature/humidity. For worst-case release analysis of a regulated toxic substance, the owner or operator shall use the highest daily maximum temperature in the previous three years and average humidity for the site, based on temperature/humidity data gathered at the stationary source or at a local meteorological station; an owner or operator using the RMP Offsite Consequence Analysis Guidance may use 25 degrees centigrade and 50 percent humidity as values for these variables. For analysis of alternative scenarios, the owner or operator may use typical temperature/humidity data gathered at the stationary source or at a local meteorological station.

(d) Height of release. The worst-case release of a regulated toxic substance shall be analyzed assuming a ground level (0 feet) release. For an alternative scenario analysis of a regulated toxic substance, release height may be determined by the release scenario.

(e) Surface roughness. The owner or operator shall use either urban or rural topography, as appropriate. Urban means that there are many obstacles in the immediate area; obstacles include buildings or trees. Rural means there are no buildings in the immediate area and the terrain is generally flat and unobstructed.

(f) Dense or neutrally buoyant gases. The owner or operator shall ensure that tables or models used for dispersion analysis of regulated toxic substances appropriately account for gas density.

(g) Temperature of released substance. For worst case, liquids other than gases liquefied by refrigeration only shall be considered to be released at the highest daily maximum temperature, based on data for the previous three years appropriate for the stationary source, or at process temperature, whichever is higher. For alternative scenarios, substances may be considered to be released at a process or ambient temperature that is appropriate for the scenario.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.22, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2750.3. Worst-Case Release Scenario Analysis.

(a) The owner or operator shall analyze and report in the RMP:

(1) For Program 1 processes, one worst-case release scenario including an offsite consequence analysis, for each Program 1 process using the offsite consequence analysis parameters in Section 2750.2;

(2) For Program 2 and 3 processes:

(A) One worst-case release scenario that is estimated to create the greatest distance in any direction to an endpoint as defined in Section

2750.2(a) resulting from an accidental release of regulated toxic substances from covered processes under worst-case conditions defined in Section 2750.2 (b) through (g);

(B) One worst-case release scenario that is estimated to create the greatest distance in any direction to an endpoint defined in Section 2750.2(a) resulting from an accidental release of regulated flammable substances from covered processes under worst-case conditions defined in Section 2750.2; and,

(C) Additional worst-case release scenarios for a hazard class if a worst-case release from another covered process at the stationary source potentially affects public receptors different from those potentially affected by the worst-case release scenario developed under sections (a)(2)(A) or (a)(2)(B).

(b) Determination of worst-case release quantity. The worst-case release quantity shall be the greater of the following:

(1) For substances in a vessel, the greatest amount held in a single vessel, taking into account administrative controls that limit the maximum quantity; or

(2) For substances in pipes, the greatest amount in a pipe, taking into account administrative controls that limit the maximum quantity.

(c) Worst-case release scenario—toxic gases.

(1) For regulated toxic substances that are normally gases at ambient temperature and handled as a gas or as a liquid under pressure, the owner or operator shall assume that the quantity in the vessel or pipe, as determined under section (b), is released as a gas over 10 minutes. The release rate shall be assumed to be the total quantity divided by 10 unless passive mitigation systems are in place.

(2) For regulated toxic gases handled as refrigerated liquids at ambient pressure:

(A) If the released substance is not contained by passive mitigation systems or if the contained pool would have a depth of 1 centimeter or less, the owner or operator shall assume that the substance is released as a gas in 10 minutes;

(B) If the released substance is contained by passive mitigation systems in a pool with a depth greater than 1 centimeter, the owner or operator may assume that the quantity in the vessel or pipe, as determined under section (b), is spilled instantaneously to form a liquid pool. The volatilization rate (release rate) shall be calculated at the boiling point of the substance and at the conditions specified in section (d).

(d) Worst-case release scenario—toxic liquids.

(1) For regulated toxic substances that are normally liquids at ambient temperature, the owner or operator shall assume that the quantity in the vessel or pipe, as determined under section (b), is spilled instantaneously to form a liquid pool.

(A) The surface area of the pool shall be determined by assuming that the liquid spreads to 1 centimeter deep unless passive mitigation systems are in place that serve to contain the spill and limit the surface area. Where passive mitigation is in place, the surface area of the contained liquid shall be used to calculate the volatilization rate.

(B) If the release would occur onto a surface that is not paved or smooth, the owner or operator may take into account the actual surface characteristics.

(2) The volatilization rate shall account for the highest daily maximum temperature occurring in the past three years, the temperature of the substance in the vessel, and the concentration of the substance if the liquid spilled is a mixture or solution.

(3) The rate of release to air shall be determined from the volatilization rate of the liquid pool. The owner or operator may use the methodology in the RMP Offsite Consequence Analysis Guidance or any other publicly available techniques that account for the modeling conditions and are recognized by industry as applicable as part of current practices. Proprietary models that account for the modeling conditions may be used provided the owner or operator allows the implementing agency access to the model and describes model features and differences from publicly available models to local emergency planners upon request.

(e) Worst-case release scenario—flammable gases. The owner or operator shall assume that the quantity of the substance, as determined under section (b) and the provisions below, vaporizes resulting in a vapor cloud explosion. A yield factor of 10 percent of the available energy released in the explosion shall be used to determine the distance to the explosion endpoint if the model used is based on TNT-equivalent methods.

(1) For regulated flammable substances that are normally gases at ambient temperature and handled as a gas or as a liquid under pressure, the owner or operator shall assume that the quantity in the vessel or pipe, as determined under section (b), is released as a gas over 10 minutes. The total quantity shall be assumed to be involved in the vapor cloud explosion.

(2) For flammable gases handled as refrigerated liquids at ambient pressure:

(A) If the released substance is not contained by passive mitigation systems or if the contained pool would have a depth of one centimeter or less, the owner or operator shall assume that the total quantity of the substance is released as a gas in 10 minutes, and the total quantity will be involved in the vapor cloud explosion.

(B) If the released substance is contained by passive mitigation systems in a pool with a depth greater than 1 centimeter, the owner or operator may assume that the quantity in the vessel or pipe, as determined under section (b), is spilled instantaneously to form a liquid pool. The volatilization rate (release rate) shall be calculated at the boiling point of the substance and at the conditions specified in section (d). The owner or operator shall assume that the quantity which becomes vapor in the first 10 minutes is involved in the vapor cloud explosion.

(f) Worst-case release scenario — flammable liquids. The owner or operator shall assume that the quantity of the substance, as determined under section (b) and the provisions below, vaporizes resulting in a vapor cloud explosion. A yield factor of 10 percent of the available energy released in the explosion shall be used to determine the distance to the explosion endpoint if the model used is based on TNT equivalent methods.

(1) For regulated flammable substances that are normally liquids at ambient temperature, the owner or operator shall assume that the entire quantity in the vessel or pipe, as determined under section (b), is spilled instantaneously to form a liquid pool. For liquids at temperatures below their atmospheric boiling point, the volatilization rate shall be calculated at the conditions specified in section (d).

(2) The owner or operator shall assume that the quantity which becomes vapor in the first 10 minutes is involved in the vapor cloud explosion.

(g) Parameters to be applied. The owner or operator shall use the parameters defined in Section 2750.2 to determine distance to the endpoints. The owner or operator may use either the methodology provided in the RMP Offsite Consequence Analysis Guidance or any commercially or publicly available air dispersion modeling techniques, provided the techniques account for the specified modeling conditions and are recognized by industry as applicable as part of current practices. Proprietary models that account for the modeling conditions may be used provided the owner or operator allows the AA access to the model and describes model features and differences from publicly available models to local emergency planners upon request.

(h) Consideration of passive mitigation. Passive mitigation systems may be considered for the analysis of worst case provided that the mitigation system is capable of withstanding the release event triggering the scenario and would still function as intended.

(i) Factors in selecting a worst-case scenario. Notwithstanding the provisions of section (b), the owner or operator shall select as the worst case for flammable regulated substances or the worst case for regulated toxic substances, a scenario based on the following factors if such a scenario would result in a greater distance to an endpoint defined in Section 2750.2(a) beyond the stationary source boundary than the scenario provided under section (b):

(1) Smaller quantities handled at higher process temperature or pressure; and,

(2) Proximity to the boundary of the stationary source.

(j) Solids. In performing an offsite consequence analysis for solids that are listed in Section 2770.5 Table 3, an owner or operator may use a USEPA, California Air Resources Board, or OES approved model which appropriately considers the dispersion and settling of particles. For the worst case scenario, the owner or operator shall assume a one-hour release and pursuant to Section 2750.2(b), use a wind speed of 1.5 meters per second and F atmospheric stability class.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.25, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).
6. Amendment of subsection (e), new subsections (e)(1)–(f)(2) and subsection relettering filed 6-28-2004; operative 6-28-2004. Submitted to OAL for printing only (Register 2004, No. 27).

§ 2750.4. Alternative Release Scenario Analysis.

(a) The number of scenarios. The owner or operator shall identify and analyze at least one alternative release scenario for each regulated toxic substance held in a covered process(es) and at least one alternative release scenario to represent all flammable substances held in covered processes.

(b) Scenarios to consider.

(1) For each scenario required under section (a), the owner or operator shall select a scenario:

(A) That is more likely to occur than the worst-case release scenario under Section 2750.3; and,

(B) That will reach an endpoint offsite, unless no such scenario exists.

(2) Release scenarios considered should include, but are not limited to, the following, where applicable:

(A) Transfer hose releases due to splits or sudden hose uncoupling;

(B) Process piping releases from failures at flanges, joints, welds, valves and valve seals, and drains or bleeds;

(C) Process vessel or pump releases due to cracks, seal failure, or drain, bleed, or plug failure;

(D) Vessel overfilling and spill, or over pressurization and venting through relief valves or rupture disks; and,

(E) Shipping container mishandling and breakage or puncturing leading to a spill.

(c) Parameters to be applied. The owner or operator shall use the parameters defined in Section 2750.2 to determine distance to the endpoints. The owner or operator may use either the methodology provided in the RMP Offsite Consequence Analysis Guidance or any commercially or publicly available air dispersion modeling techniques, provided the techniques account for the specified modeling conditions and are recognized by industry as applicable as part of current practices. Proprietary models that account for the modeling conditions may be used provided the owner or operator allows the AA access to the model and describes model features and differences from publicly available models to local emergency planners upon request.

(d) Consideration of mitigation. Active and passive mitigation systems may be considered provided they are capable of withstanding the event that triggered the release and would still be functional.

(e) Factors in selecting scenarios. The owner or operator shall consider the following in selecting alternative release scenarios:

- (1) The five-year accident history provided in Section 2750.9; and,
- (2) Failure scenarios identified under Section 2755.2 or 2760.2.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.28, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2750.5. Defining Offsite Impacts to the Population.

(a) The owner or operator shall estimate in the RMP the population within a circle with its center at the point of the release and a radius determined by the distance to the endpoint defined in Section 2750.2(a).

(b) Population to be defined. Population shall include residential population. The presence of institutions (schools, hospitals, long term health care facilities, child day care facilities, prisons), parks and recreational areas, and major commercial, office, and industrial buildings shall be noted in the RMP.

(c) Data sources acceptable. The owner or operator may use the most recent Census data, or other more accurate information if it is available, to estimate the population potentially affected.

(d) Level of accuracy. Population shall be estimated to two significant digits.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Sections 25531 and 25534.1 Health and Safety Code; and Section 68.30, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2750.6. Defining Offsite Impacts to the Environment.

(a) The owner or operator shall list in the RMP environmental receptors within a circle with its center at the point of the release and a radius determined by the distance to the endpoint defined in Section 2750.2(a).

(b) Data sources acceptable. The owner or operator may rely on information provided on local United States Geological Survey (USGS) maps

or on any data source containing USGS data to identify environmental receptors.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.33, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2750.7. Offsite Consequence Analysis Review and Update.

(a) The owner or operator shall review and update the offsite consequence analyses at least once every five years.

(b) If changes in processes, quantities stored or handled, or any other aspect of the stationary source might reasonably be expected to increase or decrease the distance to the endpoint by a factor of two or more, the owner or operator shall complete a revised analysis within six months of the change and submit a revised RMP as provided in Section 2745.10.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.36, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2750.8. Offsite Consequence Analysis Documentation.

The owner or operator shall maintain the following records on the off-site consequence analyses:

(a) For worst-case scenarios, a description of the vessel or pipeline and substance selected as worst case, assumptions and parameters used, and the rationale for selection. Assumptions shall include use of any administrative controls and any passive mitigation that were assumed to limit the quantity that could be released. Documentation shall include the anticipated effect of the controls and mitigation on the release quantity and rate.

(b) For alternative release scenarios, a description of the scenarios identified, assumptions and parameters used, and the rationale for the selection of specific scenarios. Assumptions shall include use of any administrative controls and any mitigation that were assumed to limit the quantity that could be released. Documentation shall include the effect of the controls and mitigation on the release quantity and rate.

(c) Documentation of estimated quantity released, release rate, and duration of release.

(d) Methodology, including the model used to determine distance to endpoints.

(e) Data used to estimate population and environmental receptors potentially affected.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.39, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2750.9. Five-year Accident History.

(a) The owner or operator shall include in the five-year accident history all accidental releases from covered processes that resulted in deaths, injuries, or significant property damage on site, or known offsite deaths, injuries, evacuations, sheltering in place, property damage, or environmental damage.

(b) Data required. For each accidental release included, the owner or operator shall report the following information:

- (1) Date, time, and approximate duration of the release;
- (2) Regulated substance(s) released;
- (3) Estimated quantity released in pounds and, for mixtures containing regulated toxic substances, percentage concentration by weight of the released regulated toxic substance in the liquid mixture;
- (4) Five- or six-digit NAICS code that most closely corresponds to the process;
- (5) The type of release event and its source;
- (6) Weather conditions, if known;
- (7) On-site impacts;
- (8) Known offsite impacts;
- (9) Initiating event and contributing factors if known;
- (10) Whether offsite responders were notified if known; and,
- (11) Operational or process changes that resulted from investigation of the release and that have been made by the time this information is submitted in accordance with Section 2745.5.

(c) Level of accuracy. Numerical estimates shall be provided to two significant digits.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.42, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.

5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).
6. Amendment of subsection (b)(3), new subsection (b)(4), subsection renumbering and amendment of newly designated subsection (b)(11) filed 6-28-2004; operative 6-28-2004. Submitted to OAL for printing only (Register 2004, No. 27).

Article 5. Program 2 Prevention Program

§ 2755.1. Safety Information.

(a) The owner or operator shall compile and maintain the following up-to-date safety information related to the regulated substances, processes, and equipment:

- (1) Material Safety Data Sheets that meet the requirements of Section 5189 of Title 8 of CCR;
- (2) Maximum intended inventory of equipment in which the regulated substances are stored or processed;
- (3) Safe upper and lower temperatures, pressures, flows, and compositions;
- (4) Equipment specifications; and,
- (5) Codes and standards used to design, build, and operate the process.

(b) The owner or operator shall ensure that the process is designed in compliance with recognized and generally accepted good engineering practices. Compliance with federal or state regulations that address industry-specific safe design or with industry-specific design codes and standards may be used to demonstrate compliance with this section.

(c) The owner or operator shall update the safety information if a major change occurs that makes the information inaccurate.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.48, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New article 5 (sections 2755.1-2755.7) and section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New article 5 (sections 2755.1-2755.7) and section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New article 5 (sections 2755.1-2755.7) and section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New article 5 (sections 2755.1-2755.7) and section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new article 5 (sections 2755.1-2755.7) and repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2755.2. Hazard Review.

(a) The owner or operator shall conduct a review of the hazards associated with the regulated substances, processes, and procedures. The review shall identify the following:

- (1) The hazards associated with the process and regulated substances;
- (2) Opportunities for equipment malfunctions or human errors that could cause an accidental release;
- (3) The safeguards used or needed to control the hazards or prevent equipment malfunction or human error; and,
- (4) Any steps used or needed to detect or monitor releases.

(b) The owner or operator of a stationary source shall consult with the AA to decide which hazard review methodology is best suited to determine and evaluate the hazards of the process being analyzed.

(c) The owner or operator may use checklists, if acceptable to the AA, developed by persons or organizations knowledgeable about the process and equipment as a guide to conducting the review. For processes designed to meet industry standards or federal or state design rules, the hazard review shall, by inspecting all equipment, determine whether the process is designed, fabricated, and operated in accordance with the applicable standards or rules.

(d) The hazard review shall include the consideration of applicable external events, including seismic events.

(e) The owner or operator shall document the results of the hazard review and ensure that problems identified are resolved in a timely manner.

(f) The hazard review shall be updated at least once every five years. The owner or operator shall also conduct reviews whenever a major change in the process occurs. All issues identified in the hazard review shall be resolved before startup of the changed process.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.50, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2755.3. Operating Procedures.

(a) The owner or operator shall prepare written operating procedures that provide clear instructions or steps for safely conducting activities associated with each covered process consistent with the safety information for that process. Operating procedures or instructions provided by equipment manufacturers or developed by persons or organizations knowledgeable about the process and equipment may be used as a basis for a stationary source's operating procedures.

(b) The procedures shall address the following:

- (1) Initial startup;
- (2) Normal operations;
- (3) Temporary operations;
- (4) Emergency shutdown and operations;
- (5) Normal shutdown;
- (6) Startup following a normal or emergency shutdown or a major change that requires a hazard review;
- (7) Consequences of deviations and steps required to correct or avoid deviations; and,
- (8) Equipment inspections.

(c) The owner or operator shall ensure that the operating procedures are updated, if necessary, whenever a major change occurs and prior to startup of the changed process.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.52, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97

or emergency language will be repealed by operation of law on the following day.

2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2755.4. Training.

(a) The owner or operator shall ensure that each employee presently operating a process, and each employee newly assigned to a covered process has been trained or tested competent in the operating procedures provided in Section 2755.3 that pertain to their duties. For those employees already operating a process on June 21, 1999, the owner or operator may certify in writing that the employee has the required knowledge, skills, and abilities to safely carry out the duties and responsibilities as provided in the operating procedures.

(b) Refresher training. Refresher training shall be provided at least every three years, and more often if necessary, to each employee operating a process to ensure that the employee understands and adheres to the current operating procedures of the process. The owner or operator, in consultation with the employees operating the process, shall determine the appropriate frequency of refresher training.

(c) The owner or operator may use training conducted under federal or state regulations or under industry-specific standards or codes or training conducted by covered process equipment vendors to demonstrate compliance with this section to the extent that the training meets the requirements of this section.

(d) The owner or operator shall ensure that operators are trained in any updated or new procedures prior to startup of a process after a major change.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.54, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

[The next page is 122.33.]



§ 2755.5. Maintenance.

(a) The owner or operator shall prepare and implement procedures to maintain the on-going mechanical integrity of the process equipment. The owner or operator may use procedures or instructions provided by covered process equipment vendors or procedures in federal or state regulations or industry codes as the basis for stationary source maintenance procedures.

(b) The owner or operator shall train or cause to be trained each employee involved in maintaining the on-going mechanical integrity of the process. To ensure that the employee can perform the job tasks in a safe manner, each such employee shall be trained in the hazards of the process, in how to avoid or correct unsafe conditions, and in the procedures applicable to the employee's job tasks.

(c) Any maintenance contractor shall ensure that each contract maintenance employee is trained to perform the maintenance procedures developed under section (a).

(d) The owner or operator shall perform or cause to be performed inspections and tests on process equipment. Inspection and testing procedures shall follow recognized and generally accepted good engineering practices. The frequency of inspections and tests of process equipment shall be consistent with applicable manufacturers' recommendations, industry standards or codes, good engineering practices, and prior operating experience.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.56, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2755.6. Compliance Audits.

(a) The owner or operator shall certify that they have evaluated compliance with the provisions of this article at least every three years to verify that the procedures and practices developed under this chapter are adequate and are being followed.

(b) The compliance audit shall be conducted by at least one person knowledgeable in the process.

(c) The owner or operator shall develop a report of the audit findings.

(d) The owner or operator shall promptly determine and document an appropriate response to each of the findings of the compliance audit and document that deficiencies have been corrected.

(e) The owner or operator shall retain the two most recent compliance audit reports. This requirement does not apply to any compliance audit report that is more than five years old.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.58, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.

3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.

4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.

5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2755.7. Incident Investigation.

(a) The owner or operator shall investigate each incident which resulted in, or could reasonably have resulted in, a catastrophic release.

(b) An incident investigation shall be initiated as promptly as possible, but not later than 48 hours following the incident.

(c) A summary shall be prepared at the conclusion of the investigation which includes at a minimum:

- (1) Date of incident;
- (2) Date investigation began;
- (3) A description of the incident;
- (4) The factors that contributed to the incident; and,
- (5) Any recommendations resulting from the investigation.

(d) The owner or operator shall promptly address and resolve the investigation findings and recommendations. Resolutions and corrective actions shall be documented.

(e) The findings shall be reviewed with all affected personnel whose job tasks are affected by the findings.

(f) Investigation summaries shall be retained for five years.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.60, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

Article 6. Program 3 Prevention Program**§ 2760.1. Process Safety Information.**

(a) In accordance with the schedule set forth in Section 2760.2, the owner or operator shall complete a compilation of written process safety information before conducting any PHA required by the chapter. The compilation of written process safety information is to enable the owner or operator and the employees involved in operating the process to identify and understand the hazards posed by those processes involving regulated substances. This process safety information shall include information pertaining to the hazards of the regulated substances used or produced by the process, information pertaining to the technology of the process, and information pertaining to the equipment in the process.

(b) Information pertaining to the hazards of the regulated substances in the process. This information shall consist of at least the following:

- (1) Toxicity information;
- (2) Permissible exposure limits;
- (3) Physical data;
- (4) Reactivity data;
- (5) Corrosivity data;

(6) Thermal and chemical stability data; and,

(7) Hazardous effects of inadvertent mixing of different materials that could foreseeably occur.

NOTE TO SECTION (b): Material Safety Data Sheets meeting the requirements of Section 5189 of Title 8 of CCR may be used to comply with this requirement to the extent they contain the information required by this subsection.

(c) Information pertaining to the technology of the process.

(1) Information concerning the technology of the process shall include at least the following:

- (A) A block flow diagram or simplified process flow diagram;
- (B) Process chemistry;
- (C) Maximum intended inventory;
- (D) Safe upper and lower limits for such items as temperatures, pressures, flows or compositions; and,
- (E) An evaluation of the consequences of deviations.

(2) Where the original technical information no longer exists, such information may be developed in conjunction with the PHA in sufficient detail to support the analysis.

(d) Information pertaining to the equipment in the process.

(1) Information pertaining to the equipment in the process shall include:

- (A) Materials of construction;
- (B) Piping and instrument diagrams (P&ID's);
- (C) Electrical classification;
- (D) Relief system design and design basis;
- (E) Ventilation system design;
- (F) Design codes and standards employed;
- (G) Material and energy balances for processes built after June 21, 1999; and,
- (H) Safety systems (e.g., interlocks, detection, or suppression systems).

(2) The owner or operator shall document that equipment complies with recognized and generally accepted good engineering practices.

(3) For existing equipment designed and constructed in accordance with codes, standards, or practices that are no longer in general use, the owner or operator shall determine and document that the equipment is designed, maintained, inspected, tested, and operating in a safe manner.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.65, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New article 6 (sections 2760.1–2760.12) and section filed 7–10–97 as an emergency; operative 7–10–97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–7–97 or emergency language will be repealed by operation of law on the following day.
2. New article 6 (sections 2760.1–2760.12) and section refiled 10–31–97 as an emergency; operative 11–7–97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3–9–98 or emergency language will be repealed by operation of law on the following day.
3. New article 6 (sections 2760.1–2760.12) and section refiled 3–9–98 as an emergency; operative 3–9–98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7–7–98 or emergency language will be repealed by operation of law on the following day.
4. New article 6 (sections 2760.1–2760.12) and section refiled 7–7–98 as an emergency; operative 7–7–98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–4–98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7–7–98 order, including repealer and new article 6 (sections 2760.1–2760.12) and repealer and new section, transmitted to OAL 10–7–98 and filed 11–16–98 (Register 98, No. 47).

§ 2760.2. Process Hazard Analysis [PHA].

(a) The owner or operator shall perform an initial PHA (hazard evaluation) on processes covered by this article. The PHA shall be appropriate to the complexity of the process and shall identify, evaluate, and control the hazards involved in the process. The owner or operator shall determine and document the priority order for conducting PHAs based on a rationale which includes such considerations as extent of the process hazards, number of potentially affected employees, age of the process, and

operating history of the process. The PHA shall be conducted as soon as possible during the development of the CalARP program, but not later than the date of submittal of the RMP. Notwithstanding section (c) below, PHAs completed to comply with Section 5189 of Title 8 of CCR are acceptable as initial PHAs. These PHAs shall be updated and revalidated, based on their completion date.

(b) The owner or operator shall work closely with AAs in deciding which PHA methodology is best suited to determine the hazards of the process being analyzed. The owner or operator shall use one or more of the following methodologies that are appropriate to determine and evaluate the hazards of the process being analyzed:

- (1) What-If;
- (2) Checklist;
- (3) What-If / Checklist;
- (4) Hazard and Operability Study (HAZOP);
- (5) Failure Mode and Effects Analysis (FMEA);
- (6) Fault Tree Analysis; or,
- (7) An appropriate equivalent methodology.

(c) The PHA shall address:

- (1) The hazards of the process;
- (2) The identification of any previous incident which had a likely potential for catastrophic consequences;

(3) Engineering and administrative controls applicable to the hazards and their interrelationships such as appropriate application of detection methodologies to provide early warning of releases. (Acceptable detection methods might include process monitoring and control instrumentation with alarms, and detection hardware such as hydrocarbon sensors.);

(4) Consequences of failure of engineering and administrative controls;

(5) Stationary source siting;

(6) Human factors;

(7) A qualitative evaluation of a range of the possible safety and health effects of failure of controls; and,

(8) The PHA shall include the consideration of external events, including seismic events, if applicable. PHAs completed for other programs where external events were not considered shall be updated to include external events.

(d) The PHA shall be performed by a team with expertise in engineering and process operations, and the team shall include at least one employee who has experience and knowledge specific to the process being evaluated. Also, one member of the team must be knowledgeable in the specific PHA methodology being used.

(e) The owner or operator shall establish a system to promptly address the team's findings and recommendations; assure that the recommendations are resolved in a timely manner and that the resolution is documented; document what actions are to be taken; complete actions as soon as possible; develop a written schedule of when these actions are to be completed; and communicate the actions to operating, maintenance and other employees whose work assignments are in the process and who may be affected by the recommendations or actions.

(f) At least every five years after the completion of the initial PHA, the PHA shall be updated and revalidated by a team meeting the requirements in section (d), to assure that the PHA is consistent with the current process. Notwithstanding section (c), updated and revalidated PHA[s] completed to comply with Section 5189 of Title 8 of CCR are acceptable to meet the requirements of this section.

(g) The owner or operator shall retain PHAs and updates or revalidations for each process covered by this section, as well as the documented resolution of recommendations described in section (e), for the life of the process.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.67, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7–10–97 as an emergency; operative 7–10–97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–7–97

or emergency language will be repealed by operation of law on the following day.

2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2760.3. Operating Procedures.

(a) The owner or operator shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and shall address at least the following elements:

(1) Steps for each operating phase:

(A) Initial startup;

(B) Normal operations;

(C) Temporary operations;

(D) Emergency shutdown including the conditions under which emergency shutdown is required, and the assignment of shutdown responsibility to qualified operators to ensure that emergency shutdown is executed in a safe and timely manner;

(E) Emergency operations;

(F) Normal shutdown; and,

(G) Startup following a turnaround, or after an emergency shutdown.

(2) Operating limits:

(A) Consequences of deviation; and,

(B) Steps required to correct or avoid deviation.

(3) Safety and health considerations:

(A) Properties of, and hazards presented by, the chemicals used in the process;

(B) Precautions necessary to prevent exposure, including engineering controls, administrative controls, and personal protective equipment;

(C) Control measures to be taken if physical contact or airborne exposure occurs;

(D) Quality control for raw materials and control of hazardous chemical inventory levels; and,

(E) Any special or unique hazards.

(4) Safety systems and their functions.

(b) Operating procedures shall be readily accessible to employees who work in or maintain a process.

(c) The operating procedures shall be reviewed as often as necessary to assure that they reflect current operating practice, including changes that result from changes in process chemicals, technology, and equipment, and changes to stationary sources. The owner or operator shall certify annually that these operating procedures are current and accurate.

(d) The owner or operator shall develop and implement safe work practices to provide for the control of hazards during operations such as lockout/tagout; confined space entry; opening process equipment or piping; and control over entrance into a stationary source by maintenance, contractor, laboratory, or other support personnel. These safe work practices shall apply to employees and contractor employees.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.69, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98

or emergency language will be repealed by operation of law on the following day.

3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2760.4. Training.

(a) Initial training.

(1) Each employee presently involved in operating a process, and each employee before being involved in operating a newly assigned process, shall be trained in an overview of the process and in the operating procedures as specified in Section 2760.3. The training shall include emphasis on the specific safety and health hazards, emergency operations including shutdown, and safe work practices applicable to the employee's job tasks.

(2) In lieu of initial training for those employees already involved in operating a process on June 21, 1999 an owner or operator may certify in writing that the employee has the required knowledge, skills, and abilities to safely carry out the duties and responsibilities as specified in the operating procedures.

(b) Refresher training. Refresher training shall be provided at least every three years, and more often if necessary, to each employee involved in operating a process to assure that the employee understands and adheres to the current operating procedures of the process. The owner or operator, in consultation with the employees involved in operating the process, shall determine the appropriate frequency of refresher training.

(c) Training documentation. The owner or operator shall ascertain that each employee involved in operating a process has received and understood the training required by this section. The owner or operator shall prepare a record which contains the identity of the employee, the date of training, and the means used to verify that the employee understood the training.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.71, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2760.5. Mechanical Integrity.

(a) Application. Sections (b) through (f) of this section apply to the following process equipment:

(1) Pressure vessels and storage tanks;

(2) Piping systems (including piping components such as valves);

(3) Relief and vent systems and devices;

(4) Emergency shutdown systems;

(5) Controls (including monitoring devices and sensors, alarms, and interlocks); and,

(6) Pumps.

(b) Written procedures. The owner or operator shall establish and implement written procedures to maintain the on-going integrity of process equipment.

(c) Training for process maintenance activities. The owner or operator shall train each employee involved in maintaining the on-going integrity of process equipment in an overview of that process and its hazards and in the procedures applicable to the employee's job tasks to assure that the employee can perform the job tasks in a safe manner.

(d) Inspection and testing.

(1) Inspections and tests shall be performed on process equipment.

(2) Inspection and testing procedures shall follow recognized and generally accepted good engineering practices.

(3) The frequency of inspections and tests of process equipment shall be consistent with applicable manufacturers' recommendations and good engineering practices, and more frequently if determined to be necessary by prior operating experience.

(4) The owner or operator shall document each inspection and test that has been performed on process equipment. The documentation shall identify the date of the inspection or test, the name of the person who performed the inspection or test, the serial number or other identifier of the equipment on which the inspection or test was performed, a description of the inspection or test performed, and the results of the inspection or test.

(e) Equipment deficiencies. The owner or operator shall correct deficiencies in equipment that are outside acceptable limits (defined by the process safety information in Section 2760.1) before further use or in a safe and timely manner when necessary means are taken to assure safe operation.

(f) Quality assurance.

(1) In the construction of new plants and equipment, the owner or operator shall assure that equipment as it is fabricated is suitable for the process application for which they will be used.

(2) Appropriate checks and inspections shall be performed to assure that equipment is installed properly and consistent with design specifications and the manufacturer's instructions.

(3) The owner or operator shall assure that maintenance materials, spare parts and equipment are suitable for the process application for which they will be used.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.73, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2760.6. Management of Change.

(a) The owner or operator shall establish and implement written procedures to manage changes (except for "replacements in kind") to process chemicals, technology, equipment, and procedures; and, changes to stationary sources that affect a covered process.

(b) The procedures shall assure that the following considerations are addressed prior to any change:

- (1) The technical basis for the proposed change;
- (2) Impact of change on safety and health;

(3) Modifications to operating procedures;

(4) Necessary time period for the change; and,

(5) Authorization requirements for the proposed change.

(c) Employees involved in operating a process and maintenance and contract employees whose job tasks will be affected by a change in the process shall be informed of, and trained in, the change prior to start-up of the process or affected part of the process.

(d) If a change covered by this section results in a change in the process safety information required by Section 2760.1, such information shall be updated accordingly.

(e) If a change covered by this section results in a change in the operating procedures or practices required by Section 2760.3, such procedures or practices shall be updated accordingly.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.75, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2760.7. Pre-Startup Review.

(a) The owner or operator shall perform a pre-startup safety review for new stationary sources and for modified stationary sources when the modification is significant enough to require a change in the process safety information.

(b) The pre-startup safety review shall confirm that prior to the introduction of regulated substances to a process:

- (1) Construction and equipment is in accordance with design specifications;
- (2) Safety, operating, maintenance, and emergency procedures are in place and are adequate;

(3) For new stationary sources, a PHA has been performed and recommendations have been resolved or implemented before startup, and modified stationary sources meet the requirements contained in management of change, Section 2760.6; and,

(4) Training of each employee involved in operating a process has been completed.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.77, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2760.8. Compliance Audits.

(a) The owner or operator shall certify that they have evaluated compliance with the provisions of this article at least every three years to verify that the procedures and practices developed under the chapter are adequate and are being followed.

(b) The compliance audit shall be conducted by at least one person knowledgeable in the process.

(c) A report of the findings of the audit shall be developed.

(d) The owner or operator shall promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected.

(e) The owner or operator shall retain the two most recent compliance audit reports.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.79, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2760.9. Incident Investigation.

(a) The owner or operator shall investigate each incident which resulted in, or could reasonably have resulted in, a catastrophic release of a regulated substance.

(b) An incident investigation shall be initiated as promptly as possible, but not later than 48 hours following the incident.

(c) An incident investigation team shall be established and consist of at least one person knowledgeable in the process involved, including a contract employee if the incident involved work of the contractor, and other persons with appropriate knowledge and experience to thoroughly investigate and analyze the incident.

(d) A report shall be prepared at the conclusion of the investigation which includes at a minimum:

- (1) Date of incident;
- (2) Date investigation began;
- (3) A description of the incident;
- (4) The factors that contributed to the incident; and,
- (5) Recommendations resulting from the investigation.

(e) The owner or operator shall establish a system to promptly address and resolve the incident report findings and recommendations. Resolutions and corrective actions shall be documented.

(f) The report shall be reviewed with all affected personnel whose job tasks are relevant to the incident findings including contract employees where applicable.

(g) Incident investigation reports shall be retained for five years.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.81, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98

or emergency language will be repealed by operation of law on the following day.

3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2760.10. Employee Participation.

(a) The owner or operator shall develop a written plan of action regarding the implementation of the employee participation required by this section.

(b) The owner or operator shall consult with employees and their representatives on the conduct and development of PHA and on the development of the other elements of process safety management in this chapter.

(c) The owner or operator shall provide employees and their representatives with access to PHAs and to all other information required to be developed under this chapter.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.83, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2760.11. Hot Work Permit.

(a) The owner or operator shall issue a hot work permit for hot work operations conducted on or near a covered process.

(b) The permit shall document that the fire prevention and protection requirements in Section 5189 of Title 8 of CCR have been implemented prior to beginning the hot work operations; it shall indicate the date(s) authorized for hot work; and identify the object on which hot work is to be performed. The permit shall be kept on file until completion of the hot work operations.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.85, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2760.12. Contractors.

(a) Application. This section applies to contractors performing maintenance or repair, turnaround, major renovation, or specialty work on or adjacent to a covered process. It does not apply to contractors providing incidental services which do not influence process safety, such as janitorial work, food and drink services, laundry, delivery or other supply services.

(b) Owner or operator responsibilities.

(1) The owner or operator, when selecting a contractor, shall obtain and evaluate information regarding the contract owner or operator's safety performance and programs.

(2) The owner or operator shall inform the contract owner or operator of the known potential fire, explosion, or toxic release hazards related to the contractor's work and the process.

(3) The owner or operator shall explain to the contract owner or operator the applicable provisions of Article 7.

(4) The owner or operator shall develop and implement safe work practices consistent with Section 2760.3(d), to control the entrance, presence, and exit of the contract owner or operator and contract employees in covered process areas.

(5) The owner or operator shall periodically evaluate the performance of the contract owner or operator in fulfilling their obligations as specified in section (c).

(c) Contract owner or operator responsibilities.

(1) The contract owner or operator shall assure that each contract employee is trained in the work practices necessary to safely perform his or her job.

(2) The contract owner or operator shall assure that each contract employee is instructed in the known potential fire, explosion, or toxic release hazards related to his or her job and the process, and the applicable provisions of the emergency action plan.

(3) The contract owner or operator shall document that each contract employee has received and understood the training required by this section. The contract owner or operator shall prepare a record which contains the identity of the contract employee, the date of training, and the means used to verify that the employee understood the training.

(4) The contract owner or operator shall assure that each contract employee follows the safety rules of the stationary source including the safe work practices required by Section 2760.3(d).

(5) The contract owner or operator shall advise the owner or operator of any unique hazards presented by the contract owner or operator's work, or of any hazards found by the contract owner or operator's work.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.87, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

Article 7. Emergency Response Program**§ 2765.1. Emergency Response Applicability.**

(a) Except as provided in section (b), the owner or operator of a stationary source with Program 2 and Program 3 processes shall comply with the requirements of Section 2765.2.

(b) The owner or operator of a stationary source whose employees will not respond to accidental releases of regulated substances need not comply with Section 2765.2 provided that they meet the following:

(1) For stationary sources with any regulated toxic substance held in a process above the threshold quantity, the stationary source is included in the community emergency response plan developed under Section 11003 of Title 42 of the United States Code (USC);

(2) For stationary sources with only regulated flammable substances held in a process above the threshold quantity, the owner or operator has coordinated response actions with the local fire department; and,

(3) Appropriate mechanisms are in place to notify emergency responders when there is a need for a response.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.90, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New article 7 (sections 2765.1-2765.2) and section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New article 7 (sections 2765.1-2765.2) and section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New article 7 (sections 2765.1-2765.2) and section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New article 7 (sections 2765.1-2765.2) and section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new article 7 (sections 2765.1-2765.2) and repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2765.2. Emergency Response Program.

(a) The owner or operator shall develop and implement an emergency response program for the purpose of protecting public health and the environment. The emergency response program shall include the following elements:

(1) An emergency response plan, which shall be maintained at the stationary source and contain at least the following elements:

(A) Procedures for informing and interfacing with the public and local emergency response agencies about accidental releases, emergency planning, and emergency response;

(B) Documentation of proper first-aid and emergency medical treatment necessary to treat accidental human exposures; and,

(C) Procedures and measures for emergency response after an accidental release of a regulated substance;

(2) Procedures for the use of emergency response equipment and for its inspection, testing, and maintenance;

(3) Training for all employees in relevant procedures and relevant aspects of the Incident Command System; and,

(4) Procedures to review and update, as appropriate, the emergency response plan to reflect changes at the stationary source and ensure that employees are informed of changes.

(b) A written plan that complies with the contingency plan format developed pursuant to Section 25503.4 of HSC and that, among other mat-

ters, includes the elements provided in section (a), shall satisfy the requirements of this section if the owner or operator also complies with section (c). The contingency plan format shall be provided by OES upon request.

(c) The emergency response plan developed under section (a)(1) shall be coordinated with the community emergency response plan developed under Section 11003 of Title 42 of USC. Upon request of the local emergency planning committee or emergency response officials, the owner or operator shall promptly provide to the local emergency response officials information necessary for developing and implementing the community emergency response plan.

(d) The owner or operator is not required to meet the business plan requirements if the emergency response plan developed under this section is consistent with the business plan requirements pursuant to Sections 2731 and 2732 of Title 19 of CCR. This does not exempt the owner or operator from requirements which relate to the annual inventory or emergency response planning for hazardous materials which are not regulated substances.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Sections 25531 and 25537.5, Health and Safety Code; and Section 68.95, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

Article 8. Regulated Substances for Accidental Release Prevention

§ 2770.1. Purpose.

This article lists regulated substances pursuant to Section 2770.5 (Tables 1, 2, or 3), identifies specific threshold quantities, and establishes the requirements for petitioning to add, delete, or change the threshold for regulated substances.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Sections 25532(g), (j), and (l), 25543.1 and 25543.3, Health and Safety Code; and Section 68.100, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New article 8 (sections 2770.1-2770.5) and section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New article 8 (sections 2770.1-2770.5) and section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New article 8 (sections 2770.1-2770.5) and section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New article 8 (sections 2770.1-2770.5) and section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new article 8 (sections 2770.1-2770.5) and repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2770.2. Threshold Determination.

(a) A threshold quantity of a regulated substance is present at a stationary source if the total quantity of a regulated substance contained in a process exceeds the threshold listed in Section 2770.5.

(b) For the purpose of determining whether more than a threshold quantity of a regulated substance is present at the stationary source, the following apply:

(1) Concentrations of a regulated toxic substance in a mixture:

(A) A mixture of less than one percent by weight of a regulated toxic substance need not be considered when determining whether more than a threshold quantity is present at the stationary source. A mixture containing a regulated toxic substance is regulated if the concentration of the toxic substance present in the mixture is one percent or greater by weight. The owner or operator of a stationary source shall only consider the weight of the regulated substance in the mixture, not the entire weight of the mixture.

(B) The owner or operator of a stationary source, when determining whether more than a threshold quantity of a regulated toxic substance in a mixture is present at the stationary source, need not consider portions of the process which can be demonstrated to have a partial pressure of the regulated substance in the mixture (solution), under the handling or storage conditions, which is less than 10 millimeters of mercury (mm Hg). The owner or operator of the stationary source shall document any exempted portions of processes where the partial pressure measurements or estimates are less than 10 mm Hg.

(C) The exemption regarding 10 mm Hg of partial pressure in (B) does not apply to:

(i) Regulated substances which are solids as noted in Section 2770.5, Table 3;

(ii) Those regulated substances that failed the evaluation pursuant to Section 25532(g)(2) of HSC as noted in Section 2770.5, Table 3; or,

(iii) Oleum, toluene 2,4-diisocyanate, toluene 2,6-diisocyanate and toluene diisocyanate (unspecified isomer) as noted in Section 2770.5.

(2) Concentrations of a regulated flammable substance in a mixture. A mixture of less than one percent by weight of a regulated flammable substance need not be considered when determining whether more than a threshold quantity is present at the stationary source. Except as provided in Sections (b)(2)(A) and (2)(B) of this section, if the concentration of the substance in the mixture is one percent or greater by weight of the mixture, then, for the purpose of determining whether a threshold quantity is present at the stationary source, the entire weight of the mixture shall be treated as the regulated substance unless the owner or operator can demonstrate that the mixture itself does not have a NFPA flammability hazard rating of 4. The demonstration shall be in accordance with the definition of flammability hazard rating 4 in the NFPA 704, Standard System for the Identification of the Hazards of Materials for Emergency Response, NFPA, Quincy, MA, 1996. (Available from the NFPA, 1 Batterymarch Park, Quincy, MA 02269-9101. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552 (a) and 1 CFR part 51. Copies may be inspected at the Environmental Protection Agency Air Docket (6102), Attn: Docket No. A-96-08, Waterside Mall, 401 M. St. SW., Washington D.C.; or at the Office of Federal Register at 800 North Capitol St., NW, Suite 700, Washington, D.C.) Boiling point and flash point shall be defined and determined in accordance with NFPA 30, Flammable and Combustible Liquids Code, NFPA, Quincy, MA, 1996. (Available from the NFPA, 1 Batterymarch Park, Quincy, MA 02269-9101. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552 (a) and 1 CFR part 51. Copies may be inspected at the Environmental Protection Agency Air Docket (6102), Attn: Docket No. A-96-08, Waterside Mall, 401 M. St. SW., Washington D.C.; or at the Office of Federal Register at 800 North Capitol St., NW, Suite 700, Washington, D.C.) The owner or operator shall document the NFPA flammability hazard rating.

(A) Gasoline. Regulated substances in gasoline, when in distribution or related storage for use as fuel for internal combustion engines, need not be considered when determining whether more than a threshold quantity is present at a stationary source.

(B) Naturally occurring hydrocarbon mixtures. Prior to entry into a natural gas processing plant or a petroleum refining process unit, regulated substances in naturally occurring hydrocarbon mixtures need not be considered when determining whether more than a threshold quantity is present at a stationary source. Naturally occurring hydrocarbon mixtures include any combination of the following: condensate, crude oil, field gas, and produced water, each as defined in Section 2735.3.

(3) Articles. Regulated substances contained in articles need not be considered when determining whether more than a threshold quantity is present at the stationary source.

(4) Uses. Regulated substances, when in use for the following purposes, need not be included in determining whether more than a threshold quantity is present at the stationary source:

- (A) Use as a structural component of the stationary source;
- (B) Use of products for routine janitorial maintenance;
- (C) Use by employees of foods, drugs, cosmetics, or other personal items containing the regulated substance; and,
- (D) Use of regulated substances present in process water or non-contact cooling water as drawn from the environment or municipal sources, or use of regulated substances present in air used either as compressed air or as part of combustion.

(5) Activities in laboratories. If a regulated substance is manufactured, processed, or used in a laboratory at a stationary source under the supervision of a technically qualified individual as defined in Section 720.3(ee) of Chapter 1 of Title 40 of CFR, the quantity of the substance need not be considered in determining whether a threshold quantity is present. This exemption does not apply to:

- (A) Specialty chemical production;
- (B) Manufacture, processing, or use of substances in pilot plant scale operations; and,
- (C) Activities conducted outside the laboratory.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25532(j) and (l) and 25543.3, Health and Safety Code; and Section 68.115, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. Editorial correction of subsection (b)(2)(B) (Register 98, No. 11).
4. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2770.3. (Reserved).

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.

4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer of section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2770.4. Exemptions.

Agricultural nutrients. Ammonia used as an agricultural nutrient, when held by farmers, is exempt from all provisions of this chapter.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.125, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2770.4.1. Exclusion.

Flammable substances used as fuel or held for sale as fuel at retail facilities. A flammable substance listed in Section 2770.5, Table 2, is nevertheless excluded from all provisions of this chapter when the substance is used as a fuel or held for sale as a fuel at a retail facility.

NOTE: Authority cited: Sections 25531, 25533 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.126, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 10-10-2002; operative 10-10-2002. Submitted to OAL for printing only pursuant to Health and Safety Code section 25533 (Register 2002, No. 41).

§ 2770.5. List of Substances.

Regulated toxic and flammable substances under Section 112(r) of the federal CAA are the substances listed in Tables 1 and 2. Table 3 lists those regulated substances pursuant to Section 25532(g)(2) of HSC. Threshold quantities for listed toxic and flammable substances are specified in the tables.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Sections 25532(g)(2) and 25543.3, Health and Safety Code; and Section 68.130, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section and Tables 1-3 filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section and Tables 1-3 refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. Editorial correction of Tables 1 and 3 (Register 98, No. 11).
4. New section and Tables 1-3 refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
5. New section and Tables 1-3 refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 7-7-98 order, including repealer and new section and repealer and new Tables 1-3, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).
7. Amendment of Table 2 adding new footnote filed 10-10-2002; operative 10-10-2002. Submitted to OAL for printing only pursuant to Health and Safety Code section 25533 (Register 2002, No. 41).

Table 1. Federal Regulated Substances List and Threshold Quantities for Accidental Release Prevention

Chemical Name	Also on Table 3 ^f	CAS Number	Threshold quantity (lbs)	Basis for listing
Acrolein [2-Propenal]	yes	107-02-8	5,000	b
Acrylonitrile [2-Propenenitrile]	yes	107-13-1	20,000	b
Acrylyl chloride [2-Propenoyl chloride]	yes	814-68-6	5,000	b
Allyl alcohol [2-Propen-1-ol]	yes	107-18-6	15,000	b
Allylamine [2-Propen-1-amine]	yes	107-11-9	10,000	b
Ammonia (anhydrous)	yes	7664-41-7	10,000	a,b
Ammonia (conc 20% or greater)	yes	7664-41-7	20,000	a,b
Arsenous trichloride	yes	7784-34-1	15,000	b
Arsine	yes	7784-42-1	1,000	b
Boron trichloride [Borane, trichloro-]	yes	10294-34-5	5,000	b
Boron trifluoride [Borane, trifluoro-]	yes	7637-07-2	5,000	b
Boron trifluoride compound with methyl ether (1:1) [Boron, trifluoro [oxybis(methane)]]-, T-4-	yes	353-42-4	15,000	b
Bromine	yes	7726-95-6	10,000	a,b
Carbon disulfide	yes	75-15-0	20,000	b
Chlorine	yes	7782-50-5	2,500	a,b
Chlorine dioxide [Chlorine oxide (ClO ₂)]	no	10049-04-4	1,000	c
Chloroform [Methane, trichloro-]	yes	67-66-3	20,000	b
Chloromethyl ether [Methane, oxybis(chloro-)]	yes	542-88-1	1,000	b
Chloromethyl methyl ether [Methane, chloromethoxy-]	yes	107-30-2	5,000	b
Crotonaldehyde [2-Butenal]	yes	4170-30-3	20,000	b
Crotonaldehyde, (E)- [2-Butenal, (E)-]	yes	123-73-9	20,000	b
Cyanogen chloride	no	506-77-4	10,000	c
Cyclohexylamine [Cyclohexanamine]	yes	108-91-8	15,000	b
Diborane	yes	19287-45-7	2,500	b
Dimethyldichlorosilane [Silane, dichlorodimethyl-]	yes	75-78-5	5,000	b
1,1-Dimethylhydrazine [Hydrazine, 1,1-dimethyl-]	yes	57-14-7	15,000	b
Epichlorohydrin [Oxirane, (chloromethyl)-]	yes	106-89-8	20,000	b
Ethylenediamine [1,2-Ethanediamine]	yes	107-15-3	20,000	b
Ethyleneimine [Aziridine]	yes	151-56-4	10,000	b
Ethyleneoxide [Oxirane]	yes	75-21-8	10,000	a,b
Fluorine	yes	7782-41-4	1,000	b
Formaldehyde (solution)	yes	50-00-0	15,000	b
Furan	yes	110-00-9	5,000	b
Hydrazine	yes	302-01-2	15,000	b
Hydrochloric acid (conc 37% or greater)	no	7647-01-0	15,000	d
Hydrocyanic acid	yes	74-90-8	2,500	a,b
Hydrogen chloride (anhydrous) [Hydrochloric acid]	yes	7647-01-0	5,000	a
Hydrogen fluoride/Hydrofluoric acid (conc 50% or greater) [Hydrofluoric acid]	yes	7664-39-3	1,000	a,b
Hydrogen selenide	yes	7783-07-5	500	b
Hydrogen sulfide	yes	7783-06-4	10,000	a,b
Iron, pentacarbonyl-[Iron carbonyl (Fe(CO) ₅), (TB-5-11)-]	yes	13463-40-6	2,500	b
Isobutyronitrile [Propanenitrile, 2-methyl-]	yes	78-82-0	20,000	b
Isopropyl chloroformate [Carbonochloridic acid, 1-methylethyl ester]	yes	108-23-6	15,000	b
Methacrylonitrile [2-Propenenitrile, 2-methyl-]	yes	126-98-7	10,000	b
Methyl chloride [Methane, chloro-]	no	74-87-3	10,000	a
Methyl chloroformate [Carbonochloridic acid, methylester]	yes	79-22-1	5,000	b
Methyl hydrazine [Hydrazine, methyl-]	yes	60-34-4	15,000	b
Methyl isocyanate [Methane, isocyanato-]	yes	624-83-9	10,000	a,b
Methyl mercaptan [Methanethiol]	yes	74-93-1	10,000	b
Methyl thiocyanate [Thiocyanic acid, methyl ester]	yes	556-64-9	20,000	b
Methyltrichlorosilane [Silane, trichloromethyl-]	yes	75-79-6	5,000	b
Nickel carbonyl	yes	13463-39-3	1,000	b
Nitric acid (conc 80% or greater)	yes	7697-37-2	15,000	b
Nitric oxide [Nitrogen oxide (NO)]	yes	10102-43-9	10,000	b
Oleum (Fuming Sulfuric acid) [Sulfuric acid, mixture with sulfur trioxide] ¹	no	8014-95-7	10,000	e
Peracetic acid [Ethaneperoxoic acid]	yes	79-21-0	10,000	b
Perchloromethylmercaptan [Methanesulphenyl chloride, trichloro-]	yes	594-42-3	10,000	b
Phosgene [Carbonic dichloride]	yes	75-44-5	500	a,b
Phosphine	yes	7803-51-2	5,000	b
Phosphorus oxychloride [Phosphoryl chloride]	yes	10025-87-3	5,000	b
Phosphorus trichloride [Phosphorous trichloride]	yes	7719-12-2	15,000	b
Piperidine	yes	110-89-4	15,000	b
Propionitrile [Propanenitrile]	yes	107-12-0	10,000	b
Propyl chloroformate [Carbonochloridic acid, propylester]	yes	109-61-5	15,000	b
Propyleneimine [Aziridine, 2-methyl-]	yes	75-55-8	10,000	b
Propylene oxide [Oxirane, methyl-]	yes	75-56-9	10,000	b
Sulfur dioxide (anhydrous)	yes	7446-09-5	5,000	a,b
Sulfur tetrafluoride [Sulfur fluoride (SF ₄), (T-4)-]	yes	7783-60-0	2,500	b
Sulfur trioxide	yes	7446-11-9	10,000	a,b
Tetramethyllead [Plumbane, tetramethyl-]	yes	75-74-1	10,000	b
Tetranitromethane [Methane, tetranitro-]	yes	509-14-8	10,000	b
Titanium tetrachloride [Titanium chloride (TiCl ₄) (T-4)-]	yes	7550-45-0	2,500	b
Toluene 2,4-diisocyanate [Benzene, 2,4-diisocyanato-1-methyl-] ¹	yes	584-84-9	10,000	a

**Table 1. Federal Regulated Substances List and Threshold Quantities
for Accidental Release Prevention (cont.)**

<i>Chemical Name</i>	<i>Also on Table 3^f</i>	<i>CAS Number</i>	<i>Threshold quantity (lbs)</i>	<i>Basis for listing</i>
Toluene 2,6-diisocyanate [Benzene, 1,3-diisocyanato-2-methyl-] ¹	yes	91-08-7	10,000	a
Toluene diisocyanate (unspecified isomer) [Benzene,1,3-diisocyanatomethyl-] ¹	no	26471-62-5	10,000	a
Trimethylchlorosilane [Silane, chlorotrimethyl-]	yes	75-77-4	10,000	b
Vinyl acetate monomer [Acetic acid ethenyl ester]	yes	108-05-4	15,000	b

¹ The exemption in Section 2770.2(b)(1)(B) regarding portions of a process where this regulated substance is handled at partial pressures below 10 mm Hg does not apply to this substance.

Note – Basis for Listing:

- a Mandated for listing by Congress.
- B On EHS list, vapor pressure 10 mmHg or greater.
- C Toxic gas.
- D Toxicity of hydrogen chloride, potential to release hydrogen chloride, and history of accidents.
- E Toxicity of sulfur trioxide and sulfuric acid, potential to release sulfur trioxide, and history of accidents.
- F This column identifies substances which may appear on Table 3. Table 3 may not have concentration limitations.

**Table 2. Federal Regulated Flammable Substances List ¹ and
Threshold Quantities for Accidental Release Prevention**

<i>Chemical Name</i>	<i>CAS Number</i>	<i>Threshold quantity (lbs)</i>	<i>Basis for listing</i>
Acetaldehyde	75-07-0	10,000	g
Acetylene [Ethyne]	74-86-2	10,000	f
Bromotrifluoroethylene [Ethene, bromotrifluoro-]	598-73-2	10,000	f
1,3-Butadiene	106-99-0	10,000	f
Butane	106-97-8	10,000	f
1-Butene	106-98-9	10,000	f
2-Butene	107-01-7	10,000	f
Butene	25167-67-3	10,000	f
2-Butene-cis	590-18-1	10,000	f
2-Butene-trans [2-Butene, (E)]	624-64-6	10,000	f
Carbon oxysulfide [Carbon oxide sulfide (COS)]	463-58-1	10,000	f
Chlorine monoxide [Chlorine oxide]	7791-21-1	10,000	f
2-Chloropropylene [1-Propene, 2-chloro-]	557-98-2	10,000	g
1-Chloropropylene [1-Propene, 1-chloro-]	590-21-6	10,000	g
Cyanogen [Ethanedinitrile]	460-19-5	10,000	f
Cyclopropane	75-19-4	10,000	f
Dichlorosilane [Silane, dichloro-]	4109-96-0	10,000	f
Diffluoroethane [Ethane, 1,1-difluoro-]	75-37-6	10,000	f
Dimethylamine [Methanamine, N-methyl-]	124-40-3	10,000	f
2,2-Dimethylpropane [Propane, 2,2-dimethyl-]	463-82-1	10,000	f
Ethane	74-84-0	10,000	f
Ethyl acetylene [1-Butyne]	107-00-6	10,000	f
Ethylamine [Ethanamine]	75-04-7	10,000	f
Ethyl chloride [Ethane, chloro-]	75-00-3	10,000	f
Ethylene [Ethene]	74-85-1	10,000	f
Ethyl ether [Ethane, 1,1'-oxybis-]	60-29-7	10,000	g
Ethyl mercaptan [Ethanethiol]	75-08-1	10,000	g
Ethyl nitrite [Nitrous acid, ethyl ester]	109-95-5	10,000	f
Hydrogen	1333-74-0	10,000	f
Isobutane [Propane, 2-methyl]	75-28-5	10,000	f
Isopentane [Butane, 2-methyl-]	78-78-4	10,000	g
Isoprene [1,3-Butadiene, 2-methyl-]	78-79-5	10,000	g
Isopropylamine [2-Propanamine]	75-31-0	10,000	g
Isopropyl chloride [Propane, 2-chloro-]	75-29-6	10,000	g
Methane	74-82-8	10,000	f
Methylamine [Methanamine]	74-89-5	10,000	f
3-Methyl-1-butene	563-45-1	10,000	f
2-Methyl-1-butene	563-46-2	10,000	g
Methyl ether [Methane, oxybis-]	115-10-6	10,000	f
Methyl formate [Formic acid, methyl ester]	107-31-3	10,000	g
2-Methylpropene [1-Propene, 2-methyl-]	115-11-7	10,000	f
1,3-Pentadiene	504-60-9	10,000	f
Pentane	109-66-0	10,000	g
1-Pentene	109-67-1	10,000	g
2-Pentene, (E)-	646-04-8	10,000	g
2-Pentene, (Z)-	627-20-3	10,000	g
Propadiene [1,2-Propadiene]	463-49-0	10,000	f
Propane	74-98-6	10,000	f
Propylene [1-Propene]	115-07-1	10,000	f
Propyne [1-Propyne]	74-99-7	10,000	f
Silane	7803-62-5	10,000	f
Tetrafluoroethylene [Ethene, tetrafluoro-]	116-14-3	10,000	f
Tetramethylsilane [Silane, tetramethyl-]	75-76-3	10,000	g
Trichlorosilane [Silane, trichloro-]	10025-78-2	10,000	g
Trifluorochloroethylene [Ethene, chlorotrifluoro-]	79-38-9	10,000	f
Trimethylamine [Methanamine, N,N-dimethyl-]	75-50-3	10,000	f
Vinyl acetylene [1-Buten-3-yne]	689-97-4	10,000	f
Vinyl chloride [Ethene, chloro-]	75-01-4	10,000	a,f
Vinyl ethyl ether [Ethene, ethoxy-]	109-92-2	10,000	g
Vinyl fluoride [Ethene, fluoro-]	75-02-5	10,000	f
Vinylidene chloride [Ethene, 1,1-dichloro-]	75-35-4	10,000	g
Vinylidene fluoride [Ethene, 1,1-difluoro-]	75-38-7	10,000	f
Vinylmethyl ether [Ethene, methoxy-]	107-25-5	10,000	f

¹ A flammable substance when used as a fuel or held for sale as a fuel at a retail facility is excluded from all provisions of this chapter (see Section 2770.4.1).

Note – Basis for Listing:

a Mandated for listing by Congress.

F Flammable gas.

G Volatile flammable liquid.

Table 3. State Regulated Substances List and Threshold Quantities for Accidental Release Prevention

<i>Chemical Name</i>	<i>Also on Table 1¹</i>	<i>CAS Number</i>	<i>State Threshold quantity (lbs)</i>
Acetone Cyanohydrin ²	no	75-86-5	1,000
Acetone Thiosemicarbazide	no	1752-30-3	1,000/10,000 ³
Acrolein	yes	107-02-8	500
Acrylamide	no	79-06-1	1,000/10,000 ³
Acrylonitrile	yes	107-13-1	10,000
Acrylyl Chloride	yes	814-68-6	100
Aldicarb	no	116-06-3	100/10,000 ³
Aldrin	no	309-00-2	500/10,000 ³
Allyl Alcohol	yes	107-18-6	1,000
Allylamine	yes	107-11-9	500
Aluminum Phosphide ⁴	no	20859-73-8	500
Aminopterin	no	54-62-6	500/10,000 ³
Amiton Oxalate	no	3734-97-2	100/10,000 ³
Ammonia ²	yes	7664-41-7	500
Aniline ²	no	62-53-3	1,000
Antimycin A	no	1397-94-0	1,000/10,000 ³
ANTU	no	86-88-4	500/10,000 ³
Arsenic Pentoxide	no	1303-28-2	100/10,000 ³
Arsenous Oxide	no	1327-53-3	100/10,000 ³
Arsenous Trichloride	yes	7784-34-1	500
Arsine	yes	7784-42-1	100
Azinphos-Ethyl	no	2642-71-9	100/10,000 ³
Azinphos-Methyl	no	86-50-0	10/10,000 ³
Benzene, 1-(Chloromethyl)-4-Nitro-	no	100-14-1	500/10,000 ³
Benzenearsonic Acid	no	98-05-5	10/10,000 ³
Benzimidazole, 4,5-Dichloro-2-(Trifluoromethyl)-	no	3615-21-2	500/10,000 ³
Benzotrithloride ²	no	98-07-7	100
Bicyclo[2.2.1] Heptane-2-Carbonitrile, 5-Chloro- 6-(((Methylamino) Carbonyl)Oxy)Imino)-, (1s-(1-alpha, 2-beta, 4-alpha, 5-alpha, 6E))-.	no	15271-41-7	500/10,000 ³
Bis(Chloromethyl) Ketone	no	534-07-6	10/10,000 ³
Bitoscanate	no	4044-65-9	500/10,000 ³
Boron Trichloride	yes	10294-34-5	500
Boron Trifluoride	yes	7637-07-2	500
Boron Trifluoride Compound w/ Methyl Ether (1:1)	yes	353-42-4	1,000
Bromadiolone	no	28772-56-7	100/10,000 ³
Bromine	yes	7726-95-6	500
Cadmium Oxide	no	1306-19-0	100/10,000 ³
Cadmium Stearate	no	2223-93-0	1,000/10,000 ³
Calcium Arsenate	no	7778-44-1	500/10,000 ³
Camphechlor	no	8001-35-2	500/10,000 ³
Cantharidin	no	56-25-7	100/10,000 ³
Carbachol Chloride	no	51-83-2	500/10,000 ³
Carbamic Acid, Methyl-,o-(((2,4-Dimethyl-1, 3-Dithiolan-2-yl)Methylene) Amino)-.	no	26419-73-8	100/10,000 ³
Carbofuran	no	1563-66-2	10/10,000 ³
Carbon Disulfide	yes	75-15-0	10,000
Chlorine	yes	7782-50-5	100
Chlormequat Chloride	no	999-81-5	100/10,000 ³
Chloroacetic Acid	no	79-11-8	100/10,000 ³
Chloroform	yes	67-66-3	10,000
Chloromethyl Ether	yes	542-88-1	100
Chloromethyl Methyl Ether	yes	107-30-2	100
Chlorophacinone	no	3691-35-8	100/10,000 ³
Chloroxuron	no	1982-47-4	500/10,000 ³
Chromic Chloride	no	10025-73-7	1/10,000 ³
Cobalt Carbonyl	no	10210-68-1	10/10,000 ³
Cobalt, ((2,2'-(1,2-Ethanediy)lbis (Nitrilomethylidyne)) Bis(6-Fluorophenolato))(2-)-N,N',O,O')-.	no	62207-76-5	100/10,000 ³
Colchicine	no	64-86-8	10/10,000 ³
Coumaphos	no	56-72-4	100/10,000 ³
Coumatetralyl	no	5836-29-3	500/10,000 ³
Cresol, o-	no	95-48-7	1,000/10,000 ³
Crimidine	no	535-89-7	100/10,000 ³
Crotonaldehyde	yes	4170-30-3	1,000
Crotonaldehyde, (E)-	yes	123-73-9	1,000
Cyanogen Bromide	no	506-68-3	500/10,000 ³
Cyanogen Iodide	no	506-78-5	1,000/10,000 ³
Cyanuric Fluoride	no	675-14-9	100
Cycloheximide	no	66-81-9	100/10,000 ³
Cyclohexylamine	yes	108-91-8	10,000
Decaborane(14)	no	17702-41-9	500/10,000 ³
Dialifor	no	10311-84-9	100/10,000 ³
Diborane	yes	19287-45-7	100
Diepoxybutane ²	no	1464-53-5	500
Digitoxin	no	71-63-6	100/10,000 ³
Digoxin	no	20830-75-5	10/10,000 ³
Dimethoate	no	60-51-5	500/10,000 ³
Dimethyldichlorosilane	yes	75-78-5	500

Table 3. State Regulated Substances List and Threshold Quantities for Accidental Release Prevention (cont.)

<i>Chemical Name</i>	<i>Also on Table 1¹</i>	<i>CAS Number</i>	<i>State Threshold quantity (lbs)</i>
Dimethylhydrazine	yes	57-14-7	1,000
Dimethyl-p-Phenylenediamine	no	99-98-9	10/10,000 ³
Dimethyl Sulfate ²	no	77-78-1	500
Dimetilan	no	644-64-4	500/10,000 ³
Dinitrocresol	no	534-52-1	10/10,000 ³
Dinoseb	no	88-85-7	100/10,000 ³
Dinoterb	no	1420-07-1	500/10,000 ³
Diphacinone	no	82-66-6	10/10,000 ³
Disulfoton ²	no	298-04-4	500
Dithiazanine Iodide	no	514-73-8	500/10,000 ³
Dithiobiuret	no	541-53-7	100/10,000 ³
Emetine, Dihydrochloride	no	316-42-7	1/10,000 ³
Endosulfan	no	115-29-7	10/10,000 ³
Endothion	no	2778-04-3	500/10,000 ³
Endrin	no	72-20-8	500/10,000 ³
Epichlorohydrin	yes	106-89-8	1,000
EPN	no	2104-64-5	100/10,000 ³
Ergocalciferol	no	50-14-6	1,000/10,000 ³
Ergotamine Tartrate	no	379-79-3	500/10,000 ³
Ethylenediamine	yes	107-15-3	10,000
Ethylene Fluorohydrin	no	371-62-0	10
Ethyleneimine	yes	151-56-4	500
Ethylene Oxide	yes	75-21-8	1,000
Fenamiphos	no	22224-92-6	10/10,000 ³
Fluenetil	no	4301-50-2	100/10,000 ³
Fluorine	yes	7782-41-4	500
Fluoroacetamide	no	640-19-7	100/10,000 ³
Fluoroacetic Acid	no	144-49-0	10/10,000 ³
Fluoroacetyl Chloride	no	359-06-8	10
Fluorouracil	no	51-21-8	500/10,000 ³
Formaldehyde ⁵	yes	50-00-0	500
Formetanate Hydrochloride	no	23422-53-9	500/10,000 ³
Formparanate	no	17702-57-7	100/10,000 ³
Fuberidazole	no	3878-19-1	100/10,000 ³
Furan	yes	110-00-9	500
Gallium Trichloride	no	13450-90-3	500/10,000 ³
Hydrazine	yes	302-01-2	1,000
Hydrocyanic Acid	yes	74-90-8	100
Hydrogen Chloride (gas only)	yes	7647-01-0	500
Hydrogen Fluoride	yes	7664-39-3	100
Hydrogen Selenide	yes	7783-07-5	10
Hydrogen Sulfide	yes	7783-06-4	500
Hydroquinone ⁶	no	123-31-9	500/10,000 ³
Iron, Pentacarbonyl-	yes	13463-40-6	100
Isobenzan	no	297-78-9	100/10,000 ³
Isobutyronitrile	yes	78-82-0	1,000
Isocyanic Acid, 3,4-Dichlorophenyl Ester	no	102-36-3	500/10,000 ³
Isodrin	no	465-73-6	100/10,000 ³
Isophorone Diisocyanate	no	4098-71-9	100
Isopropyl Chloroformate	yes	108-23-6	1,000
Leptophos	no	21609-90-5	500/10,000 ³
Lewisite ²	no	541-25-3	10
Lindane	no	58-89-9	1,000/10,000 ³
Lithium Hydride ⁴	no	7580-67-8	100
Malononitrile	no	109-77-3	500/10,000 ³
Manganese, Tricarbonyl Methylcyclopentadienyl ²	no	12108-13-3	100
Mechlorethamine ²	no	51-75-2	10
Mercuric Acetate	no	1600-27-7	500/10,000 ³
Mercuric Chloride	no	7487-94-7	500/10,000 ³
Mercuric Oxide	no	21908-53-2	500/10,000 ³
Methacrylonitrile	yes	126-98-7	500
Methacryloyl Chloride	no	920-46-7	100
Methacryloyloxyethyl Isocyanate	no	30674-80-7	100
Methamidophos	no	10265-92-6	100/10,000 ³
Methanesulfonyl Fluoride	no	558-25-8	1,000
Methidathion	no	950-37-8	500/10,000 ³
Methiocarb	no	2032-65-7	500/10,000 ³
Methomyl	no	16752-77-5	500/10,000 ³
Methoxyethylmercuric Acetate	no	151-38-2	500/10,000 ³
Methyl Bromide	no	74-83-9	1,000
Methyl 2-Chloroacrylate	no	80-63-7	500
Methyl Chloroformate	yes	79-22-1	500
Methyl Hydrazine	yes	60-34-4	500
Methyl Isocyanate	yes	624-83-9	500
Methyl Isothiocyanate ⁴	no	556-61-6	500
Methyl Mercaptan	yes	74-93-1	500
Methylmercuric Dicyanamide	no	502-39-6	500/10,000 ³

Table 3. State Regulated Substances List and Threshold Quantities for Accidental Release Prevention (cont.)

<i>Chemical Name</i>	<i>Also on Table 1¹</i>	<i>CAS Number</i>	<i>State Threshold quantity (lbs)</i>
Methyl Phosphonic Dichloride ⁴	no	676-97-1	100
Methyl Thiocyanate	yes	556-64-9	10,000
Methyltrichlorosilane	yes	75-79-6	500
Methyl Vinyl Ketone	no	78-94-4	10
Metolcarb	no	1129-41-5	100/10,000 ³
Mexacarbate	no	315-18-4	500/10,000 ³
Mitomycin C	no	50-07-7	500/10,000 ³
Monocrotophos	no	6923-22-4	10/10,000 ³
Muscimol	no	2763-96-4	500/10,000 ³
Mustard Gas ²	no	505-60-2	500
Nickel Carbonyl	yes	13463-39-3	1
Nicotine Sulfate	no	65-30-5	100/10,000 ³
Nitric Acid	yes	7697-37-2	1,000
Nitric Oxide	yes	10102-43-9	100
Nitrobenzene ²	no	98-95-3	10,000
Nitrogen Dioxide	no	10102-44-0	100
Norbormide	no	991-42-4	100/10,000 ³
Organorhodium Complex (PMN-82-147)	no	MIXTURE	10/10,000 ³
Ouabain	no	630-60-4	100/10,000 ³
Oxamyl	no	23135-22-0	100/10,000 ³
Ozone	no	10028-15-6	100
Paraquat Dichloride	no	1910-42-5	10/10,000 ³
Paraquat Methosulfate	no	2074-50-2	10/10,000 ³
Parathion-Methyl	no	298-00-0	100/10,000 ³
Paris Green	no	12002-03-8	500/10,000 ³
Pentaborane	no	19624-22-7	500
Pentadecylamine	no	2570-26-5	100/10,000 ³
Peracetic Acid	yes	79-21-0	500
Perchloromethylmercaptan	yes	594-42-3	500
Phenol	no	108-95-2	500/10,000 ³
Phenol, 2,2'-Thiobis(4-Chloro-6-Methyl)-	no	4418-66-0	100/10,000 ³
Phenol, 3-(1-Methylethyl)-, Methylcarbamate	no	64-00-6	500/10,000 ³
Phenoxarsine, 10, 10' - Oxydi-	no	58-36-6	500/10,000 ³
Phenyl Dichloroarsine ²	no	696-28-6	500
Phenylhydrazine Hydrochloride	no	59-88-1	1,000/10,000 ³
Phenylmercury Acetate	no	62-38-4	500/10,000 ³
Phenylsilatrane	no	2097-19-0	100/10,000 ³
Phenylthiourea	no	103-85-5	100/10,000 ³
Phorate ²	no	298-02-2	10
Phosacetim	no	4104-14-7	100/10,000 ³
Phosfolan	no	947-02-4	100/10,000 ³
Phosgene	yes	75-44-5	10
Phosmet	no	732-11-6	10/10,000 ³
Phosphine	yes	7803-51-2	500
Phosphonothioic Acid, Methyl-, S-(2-(Bis(1-Methylethyl)Amino)Ethyl) O-			
Ethyl Ester. ²	no	50782-69-9	100
Phosphorus ⁴	no	7723-14-0	100
Phosphorus Oxychloride	yes	10025-87-3	500
Phosphorus Pentachloride ⁴	no	10026-13-8	500
Phosphorus Trichloride	yes	7719-12-2	1,000
Physostigmine	no	57-47-6	100/10,000 ³
Physostigmine, Salicylate (1:1)	no	57-64-7	100/10,000 ³
Picrotoxin	no	124-87-8	500/10,000 ³
Piperidine	yes	110-89-4	1,000
Potassium Arsenite	no	10124-50-2	500/10,000 ³
Potassium Cyanide ⁴	no	151-50-8	100
Potassium Silver Cyanide ⁴	no	506-61-6	500
Promecarb	no	2631-37-0	500/10,000 ³
Propargyl Bromide	no	106-96-7	10
Propiolactone, Beta- ²	no	57-57-8	500
Propionitrile	yes	107-12-0	500
Propiophenone, 4-Amino-	no	70-69-9	100/10,000 ³
Propyl Chloroformate	yes	109-61-5	500
Propylene Oxide	yes	75-56-9	10,000
Propyleneimine	yes	75-55-8	10,000
Prothoate	no	2275-18-5	100/10,000 ³
Pyrene	no	129-00-0	1,000/10,000 ³
Pyridine, 4-Amino-	no	504-24-5	500/10,000 ³
Pyridine, 4-Nitro-, 1-Oxide	no	1124-33-0	500/10,000 ³
Pyriminil	no	53558-25-1	100/10,000 ³
Salcomine	no	14167-18-1	500/10,000 ³
Sarin ²	no	107-44-8	10
Selenious Acid	no	7783-00-8	1,000/10,000 ³
Semicarbazide Hydrochloride	no	563-41-7	1,000/10,000 ³
Sodium Arsenate	no	7631-89-2	1,000/10,000 ³
Sodium Arsenite	no	7784-46-5	500/10,000 ³
Sodium Azide (Na (N3)) ⁴	no	26628-22-8	500

Table 3. State Regulated Substances List and Threshold Quantities for Accidental Release Prevention (cont.)

<i>Chemical Name</i>	<i>Also on Table 1¹</i>	<i>CAS Number</i>	<i>State Threshold quantity (lbs)</i>
Sodium Cacodylate	no	124-65-2	100/10,000 ³
Sodium Cyanide (Na (CN)) ⁴	no	143-33-9	100
Sodium Fluoroacetate	no	62-74-8	10/10,000 ³
Sodium Selenate	no	13410-01-0	100/10,000 ³
Sodium Selenite	no	10102-18-8	100/10,000 ³
Sodium Tellurite	no	10102-20-2	500/10,000 ³
Stannane, Acetoxytriphenyl-	no	900-95-8	500/10,000 ³
Strychnine	no	57-24-9	100/10,000 ³
Strychnine Sulfate	no	60-41-3	100/10,000 ³
Sulfur Dioxide	yes	7446-09-5	500
Sulfuric Acid ⁷	no	7664-93-9	1,000
Sulfur Tetrafluoride	yes	7783-60-0	100
Sulfur Trioxide ⁴	yes	7446-11-9	100
Tabun ²	no	77-81-6	10
Tellurium Hexafluoride	no	7783-80-4	100
Tetramethyllead	yes	75-74-1	100
Tetranitromethane	yes	509-14-8	500
Thallium Sulfate	no	10031-59-1	100/10,000 ³
Thallous Carbonate	no	6533-73-9	100/10,000 ³
Thallous Chloride	no	7791-12-0	100/10,000 ³
Thallous Malonate	no	2757-18-8	100/10,000 ³
Thallous Sulfate	no	7446-18-6	100/10,000 ³
Thiocarbazine	no	2231-57-4	1,000/10,000 ³
Thiofanox	no	39196-18-4	100/10,000 ³
Thiosemicarbazide	no	79-19-6	100/10,000 ³
Thiourea, (2-Chlorophenyl)-	no	5344-82-1	100/10,000 ³
Thiourea, (2-Methylphenyl)-	no	614-78-8	500/10,000 ³
Titanium Tetrachloride	yes	7550-45-0	100
Toluene-2,4-Diisocyanate ⁸	yes	584-84-9	500
Toluene-2,6-Diisocyanate ⁸	yes	91-08-7	100
Triamphos	no	1031-47-6	500/10,000 ³
Trichloro(Chloromethyl)Silane	no	1558-25-4	100
Trichloro(Dichlorophenyl)Silane	no	27137-85-5	500
Triethoxysilane	no	998-30-1	500
Trimethylchlorosilane	yes	75-77-4	1,000
Trimethylolpropane Phosphite	no	824-11-3	100/10,000 ³
Trimethyltin Chloride	no	1066-45-1	500/10,000 ³
Triphenyltin Chloride	no	639-58-7	500/10,000 ³
Tris(2-Chloroethyl)Amine ²	no	555-77-1	100
Valinomycin	no	2001-95-8	1,000/10,000 ³
Vanadium Pentoxide	no	1314-62-1	100/10,000 ³
Vinyl Acetate Monomer	yes	108-05-4	1,000
Warfarin	no	81-81-2	500/10,000 ³
Warfarin Sodium	no	129-06-6	100/10,000 ³
Xylylene Dichloride	no	28347-13-9	100/10,000 ³
Zinc, Dichloro(4,4-Dimethyl-5((((Methylamino) Carbonyl)Oxy)Imino)			
Pentanenitrile)-, (T-4)-.	no	58270-08-9	100/10,000 ³
Zinc Phosphide ⁴	no	1314-84-7	500

1 This column identifies substances which may appear on Table 1. Table 1 may have concentration limitations.

2 Substances that failed the evaluation pursuant to Section 25532(g)(2) of the HSC but remain listed pursuant to potential health impacts. The exemption in Section 2770.2(b)(1)(B) regarding portions of a process where these regulated substances are handled at partial pressures below 10 mm Hg does not apply to these substances.

3 These extremely hazardous substances are solids. The lesser quantity listed applies only if in powdered form and with a particle size of less than 100 microns; or if handled in solution or in molten form; or the substance has an NFPA rating for reactivity of 2, 3, or 4. Otherwise, a 10,000 pound threshold applies. The exemption in Section 2770.2(b)(1)(B) regarding portions of a process where these regulated substances are handled at partial pressures below 10 mm Hg does not apply to these substances.

4 These extremely hazardous substances are reactive solids. The exemption in Section 2770.2(b)(1)(B) regarding portions of a process where these regulated substances are handled at partial pressures below 10 mm Hg does not apply to these substances.

5 Appropriate synonyms or mixtures of extremely hazardous substances with the same CAS number are also regulated, e.g., formalin. The listing of ammonia includes anhydrous and aqueous forms of ammonia pursuant to Section 25532(g)(2).

6 Hydroquinone is exempt in crystalline form.

7 Sulfuric acid fails the evaluation pursuant to Section 25532(g)(2) of the HSC but remains listed as a Regulated Substance only under the following conditions:

a. If concentrated with greater than 100 pounds of sulfur trioxide or the acid meets the definition of oleum. (The Table 3 threshold for sulfur trioxide is 100 pounds.) (The Table 1 threshold for oleum is 10,000 pounds.)

b. If in a container with flammable hydrocarbons (flash point < 73° F).

8 The exemption in Section 2770.2(b)(1)(B) regarding portions of a process where these regulated substances are handled at partial pressures below 10 mm Hg does not apply to these substances.

Article 9. Other Requirements

§ 2775.1. Recordkeeping.

The owner or operator shall maintain records supporting the implementation of this chapter for five years unless otherwise provided in Article 6 of this chapter.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25531, Health and Safety Code; and Section 68.200, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New article 9 (sections 2775.1–2775.5) and section filed 7–10–97 as an emergency; operative 7–10–97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–7–97 or emergency language will be repealed by operation of law on the following day.
2. New article 9 (sections 2775.1–2775.5) and section refiled 10–31–97 as an emergency; operative 11–7–97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3–9–98 or emergency language will be repealed by operation of law on the following day.
3. New article 9 (sections 2775.1–2775.5) and section refiled 3–9–98 as an emergency; operative 3–9–98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7–7–98 or emergency language will be repealed by operation of law on the following day.
4. New article 9 (sections 2775.1–2775.5) and section refiled 7–7–98 as an emergency; operative 7–7–98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–4–98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7–7–98 order, including repealer and new article 9 (sections 2775.1–2775.6) and repealer and new section, transmitted to OAL 10–7–98 and filed 11–16–98 (Register 98, No. 47).

§ 2775.2. Audits.

(a) In addition to inspections for the purpose of regulatory development and enforcement of the federal CAA, the AA shall periodically audit RMPs submitted under Article 3 of this chapter to review the adequacy of such RMPs and require revisions of RMPs when necessary to ensure compliance with Article 3 of this chapter. To the extent possible, any audit shall be fully coordinated with the Unified Program elements at a stationary source.

(b) The AA shall select stationary sources for audits based on any of the following criteria:

- (1) Accident history of the stationary source;
- (2) Accident history of other stationary sources in the same industry;
- (3) Quantity of regulated substances present at the stationary source;
- (4) Location of the stationary source and its proximity to the public and environmental receptors;
- (5) The presence of specific regulated substances;
- (6) The hazards identified in the RMP; and,
- (7) A plan providing for neutral, random oversight.

(c) Exemption from audits. A stationary source with a Star or Merit ranking under OSHA's voluntary protection program shall be exempt from audits under sections (b)(2) and (b)(7).

(d) In accordance with Section 25534.5 of HSC, the AA shall have access to the stationary source, supporting documentation, and any area where an accidental release could occur.

(e) Based on the audit, the AA may issue the owner or operator of a stationary source a written preliminary determination of necessary revisions to the stationary source's RMP to ensure that the RMP meets the criteria of Article 3 of this chapter. The preliminary determination shall include an explanation for the basis for the revisions, reflecting industry standards and guidelines (such as AIChE/CCPS guidelines and ASME and API standards) to the extent that such standards and guidelines are applicable, and shall include a timetable for their implementation.

(f) Written response to a preliminary determination.

(1) The owner or operator shall respond in writing to a preliminary determination made in accordance with section (e). The response shall state that the owner or operator will implement the revisions contained in the preliminary determination in accordance with the timetable included in the preliminary determination or shall state that the owner or operator rejects the revisions in whole or in part. For each rejected revision, the

owner or operator shall explain the basis for rejecting such revision. Such explanation may include substitute revisions.

(2) The written response under section (f)(1) shall be received by the AA within 90 days of the issue of the preliminary determination or a shorter period of time as the AA specifies in the preliminary determination as necessary to protect public health and the environment. Prior to the written response being due and upon written request from the owner or operator, the AA may provide in writing additional time for the response to be received.

(g) After providing the owner or operator an opportunity to respond under section (f), the AA may issue the owner or operator a written final determination of necessary revisions to the stationary source's RMP. The AA shall develop a time table for implementing these revisions in consultation with the stationary source. The final determination may adopt or modify the revisions contained in the preliminary determination under section (e) or may adopt or modify the substitute revisions provided in the response under section (f). A final determination that adopts a revision rejected by the owner or operator shall include an explanation of the basis for the revision. A final determination that does not adopt a substitute revision provided under section (f) shall include an explanation of the basis for finding such substitute revision unreasonable.

(h) Thirty days after completion of the actions detailed in the implementation schedule set in the final determination under section (g), the owner or operator shall be in violation of Article 3 of this chapter and this section unless the owner or operator revises the RMP.

(i) The public shall have access to the preliminary determinations, responses, and final determinations under this section in a manner consistent with Section 2775.5.

(j) Nothing in this section shall preclude, limit, or interfere in any way with the authority of USEPA or the state to exercise its enforcement, investigatory, and information gathering authorities under the federal CAA or the HSC.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Sections 25534.05, 25534.5, and 25537, Health and Safety Code; and Section 68.220, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7–10–97 as an emergency; operative 7–10–97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–7–97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10–31–97 as an emergency; operative 11–7–97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3–9–98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3–9–98 as an emergency; operative 3–9–98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7–7–98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7–7–98 as an emergency; operative 7–7–98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–4–98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7–7–98 order, including repealer and new section, transmitted to OAL 10–7–98 and filed 11–16–98 (Register 98, No. 47).

§ 2775.3. Inspections.

The AA shall inspect every stationary source required to be registered pursuant to this chapter at least once every three years to determine whether the stationary source is in compliance with this chapter. The requirements of this section do not alter or affect the immunity provided a public entity pursuant to Section 818.6 of the Government Code. To the extent possible, any CalARP program inspections shall be coordinated with the Unified Program.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Sections 25534.5, 25537, 25540.5, and 25541.3, Health and Safety Code; and Sections 68.215 and 68.210, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7–10–97 as an emergency; operative 7–10–97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–7–97

or emergency language will be repealed by operation of law on the following day.

2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2775.4. Enforcement.

The owner or operator of a stationary source who violates the statutes or regulations established for the CalARP program may be liable for penalties or enforcement pursuant to provisions in Article 2 of Chapter 6.95 of the HSC beginning with Section 25540.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Sections 25534.5, 25537, 25540.5 and 25541.3, Health and Safety Code; and Sections 68.215 and 68.220, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. Editorial correction of subsection (e) (Register 98, No. 11).
4. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2775.5. Availability of Information to the Public.

(a) The RMP required under Article 3 of this chapter shall be available to the public pursuant to Section 25534.05(a)(4) of HSC.

(b) The disclosure of classified information by the Department of Defense or other federal agencies or contractors of such agencies shall be controlled by applicable laws, regulations, or executive orders concerning the release of classified information.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Sections 25534.05(a), 25535.2 and 25538, Health and Safety Code; and Section 68.210, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2775.6. Permit Content and Air Permitting Authority or OES Requirements.

The requirements of this section apply to any stationary source subject to Section 2735.4(a)(1) of this chapter and Part 70 or 71 of Title 40 of CFR.

(a) The Part 70 or 71 of Title 40 of CFR permit for the stationary source shall contain:

- (1) A statement listing Part 68 of Title 40 of CFR as an applicable requirement;
- (2) Conditions that require the source owner or operator to submit:
 - (A) A compliance schedule for meeting the requirements of this chapter by the date provided in Section 2735.4(a)(1), or,
 - (B) As part of the compliance certification submitted under Section 70.6(c)(5) of Title 40 of CFR, a certification statement that the source is in compliance with all requirements of this chapter, including the registration and submission of the RMP.

(b) The owner or operator shall submit any additional relevant information requested by the AA, OES or the appropriate APCD or AQMD.

(c) For Part 70 or 71 of Title 40 of CFR permits issued prior to the deadline for registering and submitting the RMP and which do not contain permit conditions described in section (a), the owner or operator or the appropriate APCD or AQMD shall initiate permit revision or reopening according to the procedures of Part 70.7 or 71.7 of Title 40 of CFR to incorporate the terms and conditions consistent with section (a).

(d) The appropriate APCD or AQMD shall, at a minimum:

- (1) Verify from the AA that the source owner or operator has registered and submitted an RMP or a revised plan when required by this chapter;
- (2) Verify from the AA that the source owner or operator has submitted a source certification or in its absence has submitted a compliance schedule consistent with section (a)(2); and,

(3) Initiate enforcement action based on sections (d)(1) and (d)(2) as appropriate. The AQMD or APCD shall notify the AA and the AA shall notify OES of enforcement actions taken pursuant to this chapter.

(e) The fact that an owner or operator of a stationary source is subject to this chapter due to applicability under Section 2734.4(a)(2) shall not in itself subject the stationary source to the requirements of Part 70 or 71 of Title 40 of CFR.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Sections 25533(b), 25535(a) and 25540.5, Health and Safety Code; and Section 68.215, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section filed 11-16-98; operative 11-16-98 (Register 98, No. 47).

Article 10. Local Program Evaluation

§ 2780.1. Dispute Resolution.

(a) Disputes arising between the owner or operator of a stationary source and an AA under this chapter shall first be decided by the AA pursuant to a dispute resolution process. Each AA shall establish procedures necessary to implement this dispute resolution process. These procedures shall:

- (1) Provide that the owner or operator of a stationary source may initiate the dispute resolution process by serving the AA with prompt, written notice of a dispute;
- (2) Identify the official(s) or other employee(s) of the AA who will resolve disputes arising under this Section;
- (3) Set procedures and timetables for providing argument and supporting materials to the AA;
- (4) Require that the AA render a written decision within 120 days after the owner or operator of a stationary source initiates the dispute resolution process; and,
- (5) Use the CUPA dispute resolution process, if the AA is also a CUPA, providing that such process is consistent with the criteria in (a)(1) through (4) above.

(b) The owner or operator of a stationary source may appeal the decision of an AA to the Director of OES by serving the Director with written notice of appeal. The notice of appeal shall be accompanied by:

- (1) A copy of the decision of the AA,
- (2) A copy of any written material that the owner or operator submitted to the AA during the dispute resolution process that the stationary source would want the Director to consider, and,
- (3) A concise statement of the grounds upon which the owner or operator disputes the decision rendered by the AA. The notice of appeal and accompanying materials shall be served on the Director and the AA by certified mail, return receipt requested. Such service shall be effected no later than 30 days after the AA renders its decision, or, if the AA fails to render a timely decision, no later than 150 days after the owner or operator initiated the dispute resolution process with the AA.

(c) After receipt of the notice of appeal and accompanying materials, the Director shall provide a written acknowledgment of such receipt to the appealing party and the AA. At the time that the Director sends this acknowledgment, or at any later time, the Director, in his or her discretion, may request further materials, information or briefing from the stationary source or the AA, and the Director may set schedules for the submission of such materials, information or briefing. The Director shall also provide the opportunity for public comment on the dispute, and shall allow the stationary source and the AA the opportunity to respond to any comments submitted by the public.

(d) Within 120 days after the service of the notice of appeal, or, if the Director requires additional time in order to deal with the submission of materials, information, briefing, public comments or responses to public comments, within such extended time as is set by the Director, the Director shall issue his or her decision. The dispute shall be resolved according to the discretion of the Director. The Director's decision shall be binding on all parties.

(e) Exhaustion of this dispute resolution process shall not be a prerequisite to the initiation, prosecution or conclusion of any criminal or civil enforcement action brought by the AA, the District Attorney or the State pursuant to Sections 25540, 25540.5, 25541, 25541.3, 25541.5 of HSC or any other provision of law.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25534.05(a)(3), Health and Safety Code.

HISTORY

1. New article 10 (sections 2780.1–2780.7) and section filed 7–10–97 as an emergency; operative 7–10–97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–7–97 or emergency language will be repealed by operation of law on the following day.
2. New article 10 (sections 2780.1–2780.7) and section refiled 10–31–97 as an emergency; operative 11–7–97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3–9–98 or emergency language will be repealed by operation of law on the following day.
3. New article 10 (sections 2780.1–2780.7) and section refiled 3–9–98 as an emergency; operative 3–9–98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7–7–98 or emergency language will be repealed by operation of law on the following day.
4. New article 10 (sections 2780.1–2780.7) and section refiled 7–7–98 as an emergency; operative 7–7–98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–4–98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7–7–98 order, including repealer and new article 10 (sections 2780.1–2780.7) and repealer and new section, transmitted to OAL 10–7–98 and filed 11–16–98 (Register 98, No. 47).

§ 2780.2. Administering Agency Compliance.

Each AA shall comply with the regulations adopted in this chapter, unless OES assumes authority pursuant to Section 2780.6(c)(1)(D)(ii).

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Sections 25533(d) and 25534.05(c), Health and Safety Code.

HISTORY

1. New section filed 7–10–97 as an emergency; operative 7–10–97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–7–97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10–31–97 as an emergency; operative 11–7–97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3–9–98

or emergency language will be repealed by operation of law on the following day.

3. New section refiled 3–9–98 as an emergency; operative 3–9–98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7–7–98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7–7–98 as an emergency; operative 7–7–98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–4–98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7–7–98 order, including repealer and new section, transmitted to OAL 10–7–98 and filed 11–16–98 (Register 98, No. 47).

§ 2780.3. Maintenance of Administering Agency Authorization and Reporting.

In assessing the performance of an AA, OES shall consider the following:

- (a) Effectiveness of the AA program to ensure stationary source participation.
- (b) Effectiveness of the procedures for records management.
- (c) Type and amount of technical assistance provided to stationary sources.
- (d) Stationary source inspections which are conducted to ensure compliance with this program.
- (e) The AA process for public participation.
- (f) Other required program elements necessary to implement and manage this program.
- (g) Comments from interested parties regarding the effectiveness of the local program that raise public safety issues.
- (h) The impact of the CalARP in reducing/eliminating significant releases.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25533(e), Health and Safety Code.

HISTORY

1. New section filed 7–10–97 as an emergency; operative 7–10–97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–7–97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10–31–97 as an emergency; operative 11–7–97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3–9–98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3–9–98 as an emergency; operative 3–9–98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7–7–98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7–7–98 as an emergency; operative 7–7–98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–4–98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7–7–98 order, including repealer and new section, transmitted to OAL 10–7–98 and filed 11–16–98 (Register 98, No. 47).

§ 2780.4. Coordination with the Unified Program.

(a) OES shall consider the standards under Section 2780.3 to support OES recommendations to the Secretary for Environmental Protection regarding local agency certification for the Unified Program pursuant to Section 25404.3 of HSC.

(b) As part of the periodic review requirement, OES shall consider the requirements of Section 2780.3 and Section 25404.4 of HSC.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25404.3, Health and Safety Code.

HISTORY

1. New section filed 7–10–97 as an emergency; operative 7–10–97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–7–97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10–31–97 as an emergency; operative 11–7–97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3–9–98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3–9–98 as an emergency; operative 3–9–98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7–7–98 or emergency language will be repealed by operation of law on the following day.

4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2780.5. Performance Audit Submission.

(a) Beginning in fiscal year 1998 (July 1, 1998 – June 30, 1999), the AA shall annually conduct an audit of its activities to implement the Cal-ARP program. This audit is subject to the periodic review carried out pursuant to Section 25404.4(a)(1) of HSC.

(b) An audit report shall be compiled annually based upon the previous fiscal year's activities and shall contain an executive summary and a brief description of how the AA is meeting the requirements of the program as listed in Section 2780.3. The audit shall include but is not limited to the following information:

- (1) a listing of stationary sources which have been audited.
- (2) a listing of stationary sources which have been requested to develop RMPs.
- (3) a listing of stationary sources which have been inspected.
- (4) a listing of stationary sources which have received public comments on the RMP.
- (5) a list of new or modified stationary sources.
- (6) a summary of enforcement actions initiated by the AA identifying each stationary source.
- (7) a summary of the personnel and personnel years necessary to directly implement, administer, and operate the CalARP program.
- (8) a list of those stationary sources determined by the AA to be exempt from the chapter pursuant to Section 25534(b)(2).

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 25533(e), Health and Safety Code.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2780.6. Administering Agency Performance Evaluations.

(a) OES shall periodically review the AAs performance to ensure their ability to carry out the requirements of the CalARP program pursuant to the requirements of Article 2, Chapter 6.95, of HSC and these regulations. This review shall be closely coordinated with the Unified Program periodic review process, pursuant to Section 25404.4 of HSC.

(b) Administering Agencies shall be reviewed using the standards adopted in Sections 2780.3 and 2780.5 of these regulations.

(c) If OES determines that an AA has failed to meet the performance requirements of subdivision (b), OES shall, as appropriate, initiate one of the following two processes:

(1) Process 1: Assumption of Authority by OES. OES shall serve the AA with a written Notice of Intent to Exercise Specific Powers (NOIESP), which shall inform the AA of the Director's intent to implement the CalARP program in the local jurisdiction pursuant to Section 25533(e) of HSC. The NOIESP shall state (i) the powers of the AA that OES will exercise; (ii) the date on which the exercise of authority shall commence; and, (iii) the reasons it is necessary for OES to assume this authority.

(A) Response to the NOIESP. Within 60 days after receipt of the NOIESP, the AA shall respond by: accepting the terms of the NOIESP; appealing the NOIESP; or submitting a proposed Program Improvement Agreement (PIA). If the AA fails to respond fully to the NOIESP within 60 days, the AA will be deemed to have accepted the terms of the NOIESP.

(i) Acceptance of the NOIESP. The AA may accept the assumption of authority described in the NOIESP by serving OES with written notice of such acceptance. After the AA accepts, or is deemed to have accepted, the terms of the NOIESP, OES shall schedule a public hearing pursuant to the terms of section (c)(1)(C).

(ii) Appeal. The AA may appeal the NOIESP by serving OES with: a written explanation of the factual or legal grounds for its appeal; any written supporting argument; and any relevant documentary evidence. After receipt of the appeal, OES shall follow the procedures set forth in section (c)(1)(B).

(iii) Submission of an PIA. The AA may respond to the NOIESP by serving OES with a proposed PIA. After reviewing the proposed PIA, OES shall either accept the PIA and follow the procedures set forth in section (c)(2) or reject the proposal and schedule a public hearing pursuant to the terms of section (c)(1)(C).

(B) Appeal Procedures. If the AA appeals the NOIESP, OES shall review the appeal to determine whether the AA has made a sufficient showing to warrant the reversal or modification of OES' original decision. Upon completion of this review, OES shall affirm, modify, or reverse its original decision. OES shall make its resolution of the appeal available to the public.

(i) Affirmance. If OES affirms its original decision, it shall schedule a public hearing addressing its proposed exercise of the powers of the AA. This hearing will be conducted pursuant to section (c)(1)(C).

(ii) Reversal. If OES reverses its decision, OES shall serve the AA with written notice that the NOIESP has been withdrawn.

(iii) Modification. If, based on the appeal, OES decides to modify its original decision, OES shall (1) serve the AA with an amended NOIESP, specifying the powers OES intends to exercise; and (2) schedule a public hearing on this exercise of powers. This hearing will be conducted pursuant to section (c)(1)(C).

(C) Public Hearing Procedures. In the event that a public hearing is required under this section, the following procedures shall be employed:

(i) The hearing shall be conducted in the jurisdiction of the AA that received the NOIESP.

(ii) A notice of public hearing shall be published in a local newspaper. Notice of the hearing shall be served on the AA.

(iii) Within thirty days after the public hearing, the AA shall review the public hearing comments and serve OES with its responses, if any, to the comments presented at the public hearing.

(D) OES shall within 60 days review the comments presented at the public hearing and any responses submitted by the AA. Based upon this review, and after consulting with the Secretary, OES, shall do one of the following:

(i) Approve the continued implementation of the program by the AA;

(ii) Assume authority to exercise the powers of the AA; or,

(iii) Refer the matter to the Secretary, as specified in section (c)(2), with the recommendation for an PIA or decertification of the AA.

(E) In the event that OES assumes authority to exercise the powers of the AA, the AA shall, upon request, provide OES with all relevant records and documents.

(2) Process 2: Referral to the Secretary. As an alternative to the procedures set forth in subsection (c)(1), OES may refer the matter to the Secretary with a written recommendation that the Secretary institute proceedings to either: require the AA to enter into an PIA, or, decertify the AA pursuant to Section 25404.4(a), Chapter 6.11 of HSC.

(A) After OES issues this recommendation, the Secretary and OES shall follow the procedures specified in Chapter 6.11 of HSC and any regulations adopted thereto applicable to PIAs or decertification.

(B) If OES recommends an IPA, OES shall work with the Secretary to develop an PIA for the AA.

(C) If the AA fails to sign an PIA within a time frame specified by OES or the Secretary, OES, in its discretion, may either: invoke Section 25533(e) of HSC and issue an NOIESP pursuant to subsection (c)(1), or, recommend that the Secretary decertify the AA pursuant to Section 25404.4(a), Chapter 6.11, of HSC.

(d) When this section requires the service of a notice or other document, service shall be made by certified mail, return receipt requested. A copy of any such notice or document shall be served on the Secretary.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Sections 25533(e) and (f), Health and Safety Code.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

§ 2780.7. OES Authority.

Nothing in this Chapter shall limit the authority of OES pursuant to

Section 25533(f) of HSC.

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Sections 25533, 25540.5, 25541.3 and 25543, Health and Safety Code.

HISTORY

1. New section filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new section, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

Article 11. Technical Assistance

§ 2785.1. Technical Assistance.

(a) The owner or operator of a stationary source shall closely coordinate with the AA to ensure that appropriate technical standards are applied to the implementation of this chapter.

(b) The owner or operator of a stationary source shall request assistance from the AA when necessary to address compliance with this chapter or safety issues regarding unfamiliar processes.

Appendix A to Title 19, Division 2, Chapter 4.5, Subchapter 1

Table of Toxic Endpoints

[As defined in Section 2750.2 of this chapter]

CAS Number	Chemical Name	Toxic Endpoint (mg/l)
107-02-8	Acrolein [2-Propenal]	0.0011
107-13-1	Acrylonitrile [2-Propenenitrile]	0.076
814-68-6	Acrylyl chloride [2-Propenoyl chloride]	0.00090
107-18-6	Allyl alcohol [2-Propen-1-ol]	0.036
107-11-9	Allylamine [2-Propen-1-amine]	0.0032
7664-41-7	Ammonia (anhydrous)	0.14
7664-41-7	Ammonia (conc 20% or greater)	0.14
7784-34-1	Arsenous trichloride	0.010
7784-42-1	Arsine	0.0019
10294-34-5	Boron trichloride [Borane, trichloro-]	0.010
7637-07-2	Boron trifluoride [Borane, trifluoro-]	0.028
353-42-4	Boron trifluoride compound with methyl ether (1:1) [Boron, trifluoro [oxybis[methane]]-, T4	0.023
7726-95-6	Bromine	0.0065
75-15-0	Carbon disulfide	0.16
7782-50-5	Chlorine	0.0087
10049-04-4	Chlorine dioxide [Chlorine oxide (ClO2)]	0.0028
67-66-3	Chloroform [Methane, trichloro-]	0.49
542-88-1	Chloromethyl ether [Methane, oxybis [chloro-]	0.00025
107-30-2	Chloromethyl methyl ether [Methane, chloromethoxy-]	0.0018
4170-30-3	Crotonaldehyde [2-Butenal]	0.029
123-73-9	Crotonaldehyde, (E)-, [2-Butenal,(E)-]	0.029
506-77-4	Cyanogen chloride	0.030
108-91-8	Cyclohexylamine [Cyclohexanamine]	0.16
19287-45-7	Diborane	0.0011
75-78-5	Dimethyldichlorosilane [Silane, dichlorodimethyl-]	0.026
57-14-7	1,1-Dimethylhydrazine [Hydrazine, 1,1-dimethyl-]	0.012
106-89-8	Epichlorohydrin [Oxirane, (chloromethyl)-]	0.076
107-15-3	Ethylenediamine [1,2-Ethanediamine]	0.49
151-56-4	Ethyleneimine [Aziridine]	0.018
75-21-8	Ethylene oxide [Oxirane]	0.090
7782-41-4	Fluorine	0.0039
50-00-0	Formaldehyde (solution)	0.012
110-00-9	Furan	0.0012
302-01-2	Hydrazine	0.011
7647-01-0	Hydrochloric acid (conc 37% or greater)	0.030
74-90-8	Hydrocyanic acid	0.011
7647-01-0	Hydrogen chloride (anhydrous) [Hydrochloric acid]	0.030
7664-39-3	Hydrogen fluoride/Hydrofluoric acid (conc 50% or greater) [Hydrofluoric acid]	0.016
7783-07-5	Hydrogen selenide	0.00066
7783-06-4	Hydrogen sulfide	0.042
13463-40-6	Iron, pentacarbonyl-[Ironcarbonyl (Fe(CO)5), (TB-5-11)-]	0.00044
78-82-0	Isobutyronitrile [Propanenitrile, 2-methyl-]	0.14
108-23-6	Isopropyl chloroformate [Carbonochloridic acid,1-methylethyl ester]	0.10
126-98-7	Methacrylonitrile [2-Propenenitrile, 2-methyl-]	0.0027
74-87-3	Methyl chloride [Methane, chloro-]	0.82
79-22-1	Methyl chloroformate [Carbonochloridic acid, methylester]	0.0019
60-34-4	Methyl hydrazine [Hydrazine, methyl-]	0.0094
624-83-9	Methyl isocyanate [Methane, isocyanato-]	0.0012
74-93-1	Methyl mercaptan [Methanethiol]	0.049
556-64-9	Methyl thiocyanate [Thiocyanic acid, methyl ester]	0.085
75-79-6	Methyltrichlorosilane [Silane, trichloromethyl-]	0.018
13463-39-3	Nickel carbonyl	0.00067
7697-37-2	Nitric acid (conc 80% or greater)	0.026
10102-43-9	Nitric oxide [Nitrogen oxide (NO)]	0.031
8014-95-7	Oleum (Fuming Sulfuric acid) [Sulfuric acid, mixture with sulfur trioxide]	0.010
79-21-0	Peracetic acid [Ethaneperoxoic acid]	0.0045
594-42-3	Perchloromethylmercaptan [Methanesulfonyl chloride, trichloro-]	0.0076
75-44-5	Phosgene [Carbonic dichloride]	0.00081
7803-51-2	Phosphine	0.0035
10025-87-3	Phosphorus oxychloride [Phosphoryl chloride]	0.0030
7719-12-2	Phosphorus trichloride [Phosphorous trichloride]	0.028
110-89-4	Piperidine	0.022
107-12-0	Propionitrile [Propanenitrile]	0.0037
109-61-5	Propyl chloroformate [Carbonochloridic acid, propylester]	0.010
75-55-8	Propyleneimine [Aziridine, 2-methyl-]	0.12
75-56-9	Propylene oxide [Oxirane, methyl-]	0.59
7446-09-5	Sulfur dioxide (anhydrous)	0.0078
7783-60-0	Sulfur tetrafluoride [Sulfur fluoride (SF4), (T-4)-]	0.0092
7446-11-9	Sulfur trioxide	0.010
75-74-1	Tetramethyllead [Plumbane, tetramethyl-]	0.0040
509-14-8	Tetranitromethane [Methane, tetranitro-]	0.0040
7750-45-0	Titanium tetrachloride [Titanium chloride (TiCl4) (T-4)-]	0.020

Appendix A to Title 19, Division 2, Chapter 4.5, Subchapter 1
Table of Toxic Endpoints (cont.)
 [As defined in Section 2750.2 of this chapter]

<i>CAS Number</i>	<i>Chemical Name</i>	<i>Toxic Endpoint (mg/l)</i>
584-84-9	Toluene 2,4-diisocyanate [Benzene, 2,4-diisocyanato-1-methyl-]	0.0070
91-08-7	Toluene 2,6-diisocyanate [Benzene, 1,3-diisocyanato-2-methyl-]	0.0070
26471-62-5	Toluene diisocyanate (unspecified isomer) [Benzene, 1,3-diisocyanatomethyl-]	0.0070
75-77-4	Trimethylchlorosilane [Silane, chlorotrimethyl-]	0.050
108-05-4	Vinyl acetate monomer [Acetic acid ethenyl ester]	0.26

NOTE: Authority cited: Sections 25531 and 25534.05, Health and Safety Code.
 Reference: Section 25534.05(a)(5), 25534.5 and 25535(a), Health and Safety Code.

HISTORY

1. New article 11 (sections 2785.1 and Appendix), section and Appendix A filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.
2. New article 11 (section 2785.1 and Appendix), section and Appendix A refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. New article 11 (section 2785.1 and Appendix), section and Appendix A refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
4. New article 11 (section 2785.1 and Appendix) and section refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-7-98 order, including repealer and new article 11 (sections 2785.1 and Appendix), repealer and new section, and repealer and new Appendix, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).

Chapter 5. State Assistance for Fire Equipment Act

§ 2800. Definitions.

For the purposes of these regulations:

(a) "Allowed Expenses" means those expenses incurred by the Office as a direct result of having to repossess apparatus or equipment, hold it, prepare it for sale, and sell it to another local agency.

(b) "Applicant" means any local agency as defined in Government Code Section 8589.10(e) which has submitted a completed "Application to Purchase Fire Vehicle" with the Office.

(c) "Application" means an "Application to Purchase Fire Vehicle" published by the Office.

(d) "Director" means the Director of the Office of Emergency Services.

(e) "Firefighting Apparatus and Equipment" means any vehicle and its associated equipment which is designed and intended for use primarily for fire fighting, as defined in Government Code Section 8589.10(c).

(f) "Information System" means a system which identifies firefighting apparatus and equipment available for acquisition, as well as local agencies which are interested in acquiring firefighting apparatus and equipment.

(g) "Interest Rate" means a rate of interest which shall not exceed one percent less than the rate earned by the Pooled Money Investment Board (Account) on the date the contract is executed.

(h) "Local Agency" means any city, county, special district, or any joint powers agency, composed exclusively of those agencies, which provides fire suppression services. "Local Agency" also includes a fire company organized pursuant to Part 4 (commencing with Section 14825) of Division 12 of the Health and Safety Code.

(i) "Office" means the Office of Emergency Services.

(j) "Resale Contract" means a statement of mutual agreement which, when cosigned by authorized agents of the Office and the local agency, is deemed a valid, enforceable agreement. Resale Contracts are published by the Office.

(k) "Rural Area" means territory which is outside of any urbanized area designated by the United States Bureau of the Census from the 1980 Federal Census.

NOTE: Authority cited: Section 8589.19(a), Government Code. Reference: State Assistance for Fire Equipment Act (Title 2, Division 1, Chapter 7, Article 5.5 Sections 8589.8–8589.22, Government Code) and Section 16481.1, Government Code.

HISTORY

1. New section filed 1–6–89; operative 2–5–89 (Register 89, No. 3).
2. Amendment of chapter heading filed 8–3–94; operative 9–2–94 (Register 94, No. 31).

§ 2810. Resale Program—Types of Firefighting Apparatus and Equipment.

(a) Vehicles—The Office will only sell, firefighting vehicles with a

minimum water tank capacity of 400 gallons and a minimum pumping capacity of 250 gallons per minute.

(b) Equipment—Any type of equipment which is designed and intended for use primarily for firefighting purposes or which is affixed to or carried upon the vehicles described in section (a) above, may be sold through the resale program, except any type of personal protective breathing apparatus.

(1) Firefighting equipment may, but need not be, affixed to or carried upon a fire vehicle at the time of sale.

NOTE: Authority cited: Section 8589.19(a) and (b)(1), Government Code. Reference: Sections 8589.10(c), 8589.11, 8589.13(a), 8589.16, 8589.17, 8589.18 and 8589.19(b)(1), Government Code.

HISTORY

1. New section filed 1–6–89; operative 2–5–89 (Register 89, No. 3).

§ 2815. Repair and Refurbishment of Apparatus and Equipment.

(a) The Office may contract with Prison Industry Authority or with any other public or private sector entity for the repair and refurbishment of used firefighting apparatus and equipment.

NOTE: Authority cited: Section 8589.19(a), Government Code. Reference: Section 8589.11, Government Code.

HISTORY

1. New section filed 1–6–89; operative 2–5–89 (Register 89, No. 3).

§ 2820. Time, Format and Manner for Submitting Applications.

(a) The Office will establish an annual 30-day application period in which local agencies may apply for a resale contract.

(b) Local agencies will be notified by letter (with an "Application to Purchase Fire Vehicle" attached), at least 30 days prior to the beginning of the application period, of the dates of the application period, the deadlines for submitting applications and a description of the apparatus and equipment being offered for sale.

(c) All applications received by the Office must be complete and postmarked no later than the last day of the application period. Any application received by the Office which is postmarked after the close of the application period will be held on file for the next annual application period.

(d) A completed application mailed to the Office by a local agency confers no commitment on either the agency or the Office to purchase or sell firefighting apparatus or equipment.

(e) All completed applications received by the Office during the application period will be evaluated by Office staff and ranked in accordance with the following criteria:

- (1) Applicant's demonstrated need for primary response firefighting apparatus and equipment;
- (2) Applicant's ability to adequately operate and maintain the firefighting apparatus and equipment; and
- (3) Applicant's ability to obtain outside financing for the purchase of the firefighting apparatus and equipment.

[The next page is 123.]



(f) All applicants will be notified of their rank by the Office within 60 days after the close of the application period.

(g) Applicants will have 14 days from the date they are notified of an offer to view and test the equipment and either accept or reject the offer made to them by the Office. If an applicant does not accept the offer by 5:00 p.m. on the fourteenth day following receipt of notification of the offer, the offer will be deemed revoked by the Office.

(h) Should a local agency decline to accept an offer made by the Office, the Office will notify other local agencies by descending order of rank. This process will continue until the offer is accepted or the applicant list is exhausted.

(i) The Office will permit a local agency to participate in the resale program even if the agency has failed to comply with this Section, if the local agency:

- (1) Loses its only primary response firefighting vehicle, and;
- (2) Lacks sufficient resources to immediately replace the vehicle, and;
- (3) The loss of the vehicle creates a direct threat to their life or property; and;

(4) A majority of the Office's Fire and Rescue Service Advisory Committee approves the resale contract based on the above factors.

NOTE: Authority cited: Section 8589.19(a) and (b)(3), Government Code. Reference: Sections 8589.19(b)(3), Government Code.

HISTORY

1. New section filed 1-6-89; operative 2-5-89 (Register 89, No. 3).

§ 2825. Resale Contracts to Local Agencies.

(a) Only local agencies which are located in or serving rural areas will be eligible for financing through the Office.

(b) All non-rural (i.e.; urban) local agencies may still participate in the resale program but these agencies will not be permitted to finance their purchase through the Office.

(c) Local agencies will be eligible to purchase only one firefighting vehicle per year, unless there are no other interested buyers. If there are no other interested buyers and the Office still has additional fire vehicles available for sale, the Office may, at its discretion, sell another firefighting vehicle to a local agency.

(d) Prior to entering into a resale contract, the Office shall require the local agency representative to submit a resolution from its governing body which states that the local agency representative has been vested with authority to bind the local agency in contract.

NOTE: Authority cited: Section 8589.19(a) and (b)(2), Government Code. Reference: Section 8589.13, Government Code.

HISTORY

1. New section filed 1-6-89; operative 2-5-89 (Register 89, No. 3).

§ 2830. Interest Rate and Term of Contract.

(a) The interest rate on resale contracts will be calculated at one percent (1%) below the actual Pooled Money Investment Account interest rate on the date the contract is executed by and between the parties.

(b) The interest rate established on the date the contract is executed shall be a fixed rate of interest for the life of the contract.

(c) The maximum term of a resale contract financed through the Office is five (5) years. The maximum term of a renegotiated resale contract shall not exceed five (5) years from the date of execution of the original resale contract.

NOTE: Authority cited: Section 8589.19(a), Government Code. Reference: Section 8589.13(b), Government Code.

HISTORY

1. New section filed 1-6-89; operative 2-5-89 (Register 89, No. 3).

§ 2835. Loan Amount and Down Payment.

(a) The maximum amount of any loan through the Office is \$10,000.

(b) The minimum down payment on any loan through the Office shall be ten percent (10%) of the total purchase price.

(c) Upon purchaser's request, and conditioned upon approval by the Office, purchaser may defer up to one-half (i.e.; 50%) of its minimum downpayment for a maximum of thirty (30) days. If purchaser requests a deferral, the amount purchaser pays to the Office upon execution of the

contract will be considered a deposit and will be returned to the purchaser should purchaser fail to tender the balance of the downpayment (i.e.; the amount deferred) when it is due. Transfer of the apparatus or equipment to purchaser is contingent upon receipt and satisfaction (by the Office) of the deferred balance of the downpayment.

NOTE: Authority cited: Section 8589.19(a) and (b)(2), Government Code. Reference: Section 8589.19(b)(2), Government Code.

HISTORY

1. New section filed 1-6-89; operative 2-5-89 (Register 89, No. 3).

§ 2840. Information System—Types of Firefighting Apparatus and Equipment.

(a) Vehicles—Any vehicle which is designed and intended for use primarily as a firefighting vehicle may be included in the information system, except the following vehicles:

- (1) Emergency medical service vehicles;
- (2) Rescue vehicles;
- (3) Communications and command operations vehicles; or
- (4) Hazardous materials operations vehicles.

(b) Equipment—Any type of equipment which is designed and intended for use primarily for firefighting purposes or which is affixed to or carried upon the vehicles described in section (a) above, may be included in the information system, except any type of personal protective breathing apparatus.

NOTE: Authority cited: Section 8589.19(a), Government Code. Reference: Sections 8589.10(c) and 8589.14, Government Code.

HISTORY

1. New section filed 1-6-89; operative 2-5-89 (Register 89, No. 3).

§ 2850. Default—Renegotiation of Contract.

(a) A local agency will be considered by the Office to be in default if the agency fails to make any payment within thirty (30) days of the date the payment is due, or if a bankruptcy petition is filed by or against the agency, or if the agency fails to keep any other agreement contained in the resale contract.

(b) Should purchaser default under the terms of the resale contract, the Office will renegotiate purchaser's contract, provided purchaser submits a written request for renegotiation with the Office within 30 calendar days after purchaser's default.

(c) Should purchaser continue to default beyond the renegotiation period, or default a second time after purchaser's contract has been renegotiated, the Office will take possession of its security (apparatus and equipment) for resale to another qualified buyer.

NOTE: Authority cited: Section 8589.19(a), Government Code. Reference: Section 8589.18, Government Code.

HISTORY

1. New section filed 1-6-89; operative 2-5-89 (Register 89, No. 3).

§ 2855. Repossession.

(a) The Office will repossess in accordance with Section 2850 above. Should the Office be forced to repossess, purchaser will be sent a notice. The notice will state that purchaser may redeem (buy back) the vehicle, and will also specify the amount required for redemption. Purchaser may redeem the vehicle up to the time the Office sells it or agrees to sell it. If the purchaser does not cure the default within this time frame, the vehicle will be sold. If the vehicle is sold, the money from the sale, less allowed expenses, will be used to pay the amount still owed on the original purchaser's contract. If there is any money left (i.e.; surplus), it will be paid to the original purchaser. If the money from the sale is not enough to pay off the contract and costs, the original purchaser must pay to the Office what is still owed on the contract.

(b) Should the Office be forced to repossess, the defaulting purchaser will not be allowed to finance another purchase through the Office for five (5) calendar years from the date of repossession.

NOTE: Authority cited: Section 8589.19(a), Government Code. Reference: Section 8589.18, Government Code.

HISTORY

1. New section filed 1-6-89; operative 2-5-89 (Register 89, No. 3).

Chapter 6. Disaster Assistance Act

§ 2900. Definitions.

(a) "Act" means the California Disaster Assistance Act (Government Code Sections 8680–8692).

(b) "Betterment" means any work performed by a local agency which exceeds restoring a facility to its predisaster design. Betterment also includes repairs to damaged public real property which are necessary to mitigate a predisaster condition for which the local agency had a predisaster requirement to mitigate or correct.

(c) "Current Codes, Specifications and Standards" means those applicable codes, specifications, or standards for the construction and design of public real property, which have been adopted by an applicant agency on or before the date of the disaster occurrence.

(d) "Director" means the Director of the Office of Emergency Services or his duly authorized representative.

(e) "Director's Concurrence" means the authorization of financial assistance for costs to repair, restore, reconstruct or replace facilities belonging to local agencies damaged as a result of disasters, based on a local emergency proclamation that has been accepted by the director.

(f) "Disaster" means a fire, flood, storm, tidal wave, earthquake, terrorism, epidemic, or other similar public calamity that the Governor determines presents a threat to public safety.

(g) "Eligible Applicants" means any local agency, as that term is defined in this section.

(h) "Emergency" means any occasion or incident for which, in the determination of the Governor, state assistance is needed to supplement local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the state.

(i) "Emergency Programs" means those programs designed for short term immediate response to provide needed life-saving, public health, safety, and property protective measures.

(j) "Emergency Work" means that work which is performed immediately before, during, or after a disaster event to protect public health, safety or property, and to provide temporary facilities for the restoration of essential public services.

(k) "Federal Assistance" means aid to disaster victims or local agencies by the federal government pursuant to federal statutory authorities.

(l) "Hazard Mitigation" means any cost effective measure which will reduce the potential for damage to a facility from a disaster event. Hazard mitigation, for the purposes of the state public assistance program, does not include work undertaken to meet current codes, specifications, or standards.

(m) "Incident Period" means the time interval during which the disaster-causing incident occurs. No state assistance under the Act shall be approved unless the damage or hardship to be alleviated resulted from the disaster-causing incident which took place during the incident period or was in anticipation of the incident. The incident period is determined by the director.

(n) "Local Agency" means any city, city and county, county, county office of education, community college district, school district, or special district.

(o) "Local Emergency" means a condition of extreme peril to persons or property proclaimed as such by the governing body of the affected local agency in accordance with Section 8630.

(p) "OES" means the Office of Emergency Services.

(q) "Permanent Work" means that restorative work which must be performed through repairs or replacement, to restore an eligible facility on the basis of its predisaster design and current applicable codes, specifications, and standards.

(r) "Predisaster Design" means that capacity or measure of productive usage for which a facility could be used immediately prior to a disaster.

(s) "Preliminary Damage Assessment" means a process which may be used to determine the impact and magnitude of damage and the resulting unmet needs of local agencies following a disaster. The Preliminary Damage Assessment may be performed by a team consisting of a representative(s) from the affected local agency and a representative(s) from the Office of Emergency Services, in addition to a federal representative(s) if federal assistance is to be pursued.

(t) "Project" means the repair or restoration, or both, other than normal maintenance, or the replacement of, real property of a local agency used for essential governmental services, including, but not limited to, buildings, levees, flood control works, channels, irrigation works, city streets, county roads, bridges, and other public works, that are damaged or destroyed by a disaster. "Project" also includes those activities and expenses allowed under subdivisions (a), (c), and (d) of section 8685. Except as provided in section 8686.3, the completion of all or part of a project prior to application for funds pursuant to this chapter shall not disqualify the project or any part thereof.

(u) "Project Application" means the written application made by a local agency to the director for state financial assistance, which shall include: (1) in the case of a public facilities project, all damage to public real property which resulted from a disaster within the total jurisdiction of the local agency making application; or (2) in the case of a street and highway project, all damage to streets and highways which resulted from a disaster within the total jurisdiction of the local agency making application; or (3) other activities and expenses as allowed in section 8685.

(v) "Project Approval" means the process when a Damage Survey Report (DSR) (OES 90, Rev. 1/03, incorporated by reference) is approved by OES for a scope of work and costs. For construction projects, approval will not occur until after the review and acceptance of plans and specifications by the appropriate reviewing building official. A project approval also constitutes an obligation of funds to the applicant agency.

(w) "Public Facility" means the following facilities owned or leased by a local agency: any flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility; any non-federal aid street, road, or highway; any federal aid street, road, or highway for which Federal Highway Administration Emergency Relief (ER) Program funds have been sought, any other public building, structure, or system, including those used for education, recreational, or cultural purposes; or any park. Unimproved natural features are not considered facilities unless engineered and maintained to provide a public purpose. Lands used for agricultural purposes are not facilities.

(x) "Public Real Property" means any facility owned or leased and operated or maintained by a local agency through monies derived through taxation or assessments. The term "assessment" also includes the sale by a local agency of such services as water and power.

(y) "School District" means any and all public school districts, regardless of kind or class, except a community college district. School district includes those districts defined in sections 80 through 87 of the Education Code.

(z) "Site" means a building or facility, or group of contiguous buildings or facilities with common ownership and within a single jurisdiction. For facilities without a street address, a site is any area of continuous damage of a similar nature within a geographically defined area, and within a single jurisdiction.

(aa) "Special District" means a unit of local government in the state (other than a city, county, or city and county) with authority or responsibility to own, operate or maintain a project, including a joint powers authority established under section 6500 *et seq.*, of the Code.

(bb) "State Agency" means the Department of Transportation, the Department of Water Resources, the Department of General Services, the Department of Health Services, the Department of Finance, or any other state agency or office. The Department of Transportation's area of responsibility concerns streets, roads, bridges and mass transit repairs. The Department of Water Resources' area of responsibility concerns dams,

levees, flood control works, channels, irrigation works, and other similar projects. The Department of General Services' area of responsibility concerns buildings, sewer, water systems, and district road and access facility construction, alteration, repair and improvement thereof, and all other projects. The director shall assign applications to the appropriate agencies for investigation.

(cc) "State Eligible Costs" means all project costs eligible under section 8680 et seq., of the Government Code, and shared costs of projects deemed eligible for federal public assistance, after offsetting applicable credits. Applicable credits refer to receipts or reductions that offset or reduce eligible costs. Credits include, but are not limited to: purchase discounts, rebates or allowances, recoveries or indemnities on losses, insurance settlements, refunds or rebates, and funding provided by other sources. Local agencies are expected to first seek federal funding and to exhaust federal appeal rights before seeking state funding. No state assistance will be provided if the local agency has, through its own negligence, failed to pursue maximum federal participation in funding projects.

(dd) "State of Emergency" means the duly proclaimed existence of conditions of disaster or extreme peril to the safety of persons and property, within the state, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, or earthquake, or other conditions, other than conditions resulting from a labor controversy or conditions causing a State of War Emergency, which conditions, by reason of their magnitude are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city, and require the combined forces of a mutual aid region or regions to combat.

NOTE: Authority cited: Section 8682.9, Government Code. Reference: Disaster Assistance Act, Chapter 7.5, Division 1, Title 2 (Section 8680, et seq.) Government Code.

HISTORY

1. New section filed 10-19-90 as an emergency; operative 10-29-90. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 2). A Certificate of Compliance must be submitted to OAL by 2-26-91 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-7-91 as an emergency; operative 3-7-91. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 16). A Certificate of Compliance must be submitted to OAL by 7-5-91 or emergency language will be repealed by operation of law on the following day.
3. Editorial correction of HISTORY 1 (Register 91, No. 16).
4. Readoption of emergency filed 3-7-91; operative 3-7-91. Readoption filed 7-2-91, pursuant to Government Code section 8682.9; operative 7-2-91 (Register 91, No. 40).
5. New section refiled 10-30-91 as an emergency; operative 10-30-91 (Register 92, No. 6). A Certificate of Compliance must be transmitted to OAL 2-27-92 or emergency language will be repealed by operation of law on the following day.
6. New section filed 9-30-92; operative 10-30-92 (Register 92, No. 41).
7. Amendment of chapter heading filed 8-3-94; operative 9-2-94 (Register 94, No. 31).
8. Amendment filed 8-30-2001 as an emergency; operative 8-30-2001 (Register 2001, No. 35). A Certificate of Compliance must be transmitted to OAL by 12-28-2001 or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as to 8-30-2001 order, including further amendment of section, transmitted to OAL 12-26-2001 and filed 2-8-2002 (Register 2002, No. 6).
10. Change without regulatory effect amending chapter 6 heading, adding subsections (a) and (f), repealing subsection (n), relettering subsections and amending newly designated subsections (o) and (t)-(v) and NOTE filed 12-19-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 51).

§ 2910. Cost Eligibility.

(a) General Provisions:

(1) Local agency costs or expenditures are eligible for state financial assistance provided such expenditures relate directly to an eligible disaster event;

(2) Expenditures included in local agency applications for state financial assistance must be reasonable and in accordance with a local agency's standard cost allocation procedure, and,

(3) No state financial assistance will be provided to a local agency for damages caused by its own negligence. If negligence by another party results in damages, assistance shall be provided, but shall be conditioned on agreement by the applicant agency to cooperate fully with the state in all efforts necessary to recover the costs of such assistance from the negligent party.

(b) Wages:

The following wage costs are eligible for state financial assistance:

(1) Local agency personnel costs incurred as a result of the disaster are eligible for funding or reimbursement, excluding the straight or regular time salaries and benefits of an applicant's permanently employed personnel performing emergency work.

(2) Overtime granted as compensatory time off (CTO) is reimbursable and shall be based on the standard rate (i.e., regular cash rate) for overtime pay; and,

(3) Wage additive costs, including retirement contributions, vacation, sick leave and other fringe benefit costs assessed against the regular wage rate of employees engaged in disaster related work activities.

(c) Local Share:

Matching fund assistance for cost sharing required under federal public assistance programs is an eligible cost. Public assistance programs include supplementary federal assistance for local agencies, other than assistance for the direct benefit of individuals and families. Such assistance shall also meet the eligibility requirements of the Act.

(d) Engineering and Feasibility Studies:

(1) The director shall approve an estimate for the cost of basic engineering services, when determined necessary for construction projects.

(2) The costs of special engineering services, such as surveys, soil investigations, or feasibility studies for repair vs. replacement determination, will be approved separately when necessary to accomplish eligible work.

(3) Any reimbursement for architectural, construction management, or engineering services shall be based on reasonable actual costs.

(e) Equipment:

The director shall authorize reimbursement of certain types of equipment costs as follows:

(1) Actual equipment rentals;

(2) Equipment costs for applicant-owned equipment shall be claimed based on the applicant's own rate schedules or in the absence of such a rate schedule, on current Department of Transportation (CALTRANS) Labor Surcharge and Equipment Rental Rates. Equipment rates must cover normal costs of lube, repair, overhaul, depreciation, interest, insurance, storage, and taxes. For self-powered equipment, the schedule must include fuel and oil. The director reserves the right to audit claims for the reimbursement on applicant-owned equipment.

(3) Equipment mobilization and demobilization costs for applicant-owned equipment, including transportation costs to and from the disaster sites. Equipment operation time should be supported by use logs and operator time sheets; and,

(4) Stand-by time shall be allowed for rental equipment, if determined cost effective by the director. Stand-by time shall not be allowed for applicant owned-equipment.

(f) Interagency Assistance Agreements:

Costs for work performed under interagency assistance agreements, including but not limited to contracts or cooperative agreements or assistance-for-hire agreements between local governments or between local governments and state agencies, are eligible for reimbursement, but are limited to those costs of the responding entity for which an eligible applicant is legally obligated to pay. Eligible costs shall include only those reasonable costs invoiced or billed in accordance with reimbursement provisions contained in such interagency assistance agreements.

(g) Other Direct Costs:

The following local agency costs shall be considered direct costs for purposes of these programs:

(1) Salaries and benefits of first-line supervisors. No administrative salary and benefit costs above first-line supervision may be claimed as a direct cost;

(2) Actual travel and per diem costs;

(3) The costs of supplies and materials used during response activities; and,

(4) Other direct costs which may be considered eligible by the director, including costs relating directly to the disaster which are not otherwise funded by federal or state disaster assistance programs, or which are not expressly prohibited by federal or state law, federal regulations, these regulations or prohibited by the federal or state constitution.

(h) Indirect and Administrative Costs:

A local agency will receive a ten percent (10%) administrative allowance, applied as a percentage against the total approved state share to cover reasonable indirect costs and the necessary costs of requesting, obtaining, auditing, and administering state disaster assistance funds.

(i) Ineligible Costs:

A local agency shall not receive state assistance for the following types of costs or expenditures:

(1) Expenditures for personal property such as books, furniture, and equipment;

(2) Income, revenues, wages, or rents lost by a local agency due to the disaster event;

(3) Expenditures on normal or deferred maintenance activities;

(4) Expenditures for facility betterment beyond current codes, specifications, and standards of present day construction. Betterment costs must be presumed by the local agency.

(5) Expenditures for hazard mitigation projects not required by federal or state laws, or regulations;

(6) Expenditures for legal services, fees, or penalties necessitated or caused by lawsuits or any out-of-court settlements pertaining to a disaster;

(7) Expenditures for insurance required by the Federal Emergency Management Agency's (FEMA) regulations or for damage to a portion of a facility covered by insurance;

(8) Expenditures for rights-of-way, easements, or land acquisition;

(9) Losses for which an entity has legal means of recoupment;

(10) Interest or other debt expense incurred on funds borrowed to meet disaster related expenses;

(11) Expenditures for damages caused by the local agency's own negligence;

(12) Expenditures prohibited by federal or state law, federal or state regulations, or the federal or state constitution; or,

(13) An increase in the state share which is a result of missed deadlines, penalties or which otherwise results from non-compliance with the requirements of other public assistance programs related to the disaster.

NOTE: Authority cited: Section 8682.9, Government Code. Reference: Sections 8680 *et seq.*; 8685, 8685.2, 8685.6, 8686, 8686.4, 8686.6, 8686.8, 8687.2 and 8687.4, Government Code.

HISTORY

1. New section filed 10-19-90 as an emergency; operative 10-29-90. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 2). A Certificate of Compliance must be submitted to OAL by 2-26-91 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 3-7-91 as an emergency; operative 3-7-91. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 16). A Certificate of Compliance must be submitted to OAL by 7-5-91 or emergency language will be repealed by operation of law on the following day.

3. Editorial correction of HISTORY 1. (Register 91, No. 16).

4. Readoption of emergency filed 3-7-91; operative 3-7-91. Readoption filed 7-2-91, pursuant to Government Code section 8682.9; operative 7-2-91 (Register 91, No. 40).

5. New section refiled 10-30-91 as an emergency; operative 10-30-91 (Register 92, No. 6). A Certificate of Compliance must be transmitted to OAL 2-27-92 or emergency language will be repealed by operation of law on the following day.

6. New section filed 9-30-92; operative 10-30-92 (Register 92, No. 41).

7. Amendment of section and NOTE filed 8-30-2001 as an emergency; operative 8-30-2001 (Register 2001, No. 35). A Certificate of Compliance must be transmitted to OAL by 12-28-2001 or emergency language will be repealed by operation of law on the following day.

8. Certificate of Compliance as to 8-30-2001 order, including further amendment of section, transmitted to OAL 12-26-2001 and filed 2-8-2002 (Register 2002, No. 6).

9. Change without regulatory effect amending subsection (c) filed 12-19-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 51).

§ 2915. Contracting and Procurement.

(a) General Provisions:

(1) Applicants receiving federal disaster assistance funds must comply with applicable federal contracting and procurement requirements contained in Title 44, Code of Federal Regulations (CFR), part 13, Sections 13.35 and 13.36, and Office of Management and Budget Circulars (OMB) A-102 (Revised 10/7/94, As Further Amended 8/29/97) and A-110 (Revised 11/19/93, As Further Amended 9/30/99). Funds withdrawn by the federal government, due to non-compliance with the applicable federal contracting and procurement requirements shall result in a loss or reduction of state cost-sharing assistance. The state shall not provide additional funding to an applicant to substitute for federal funding withdrawn as a result of noncompliance with federal regulations.

(2) Any work performed by a state agency, at the request of a local agency, shall be agreed upon in writing and subject to the state Public Contracts Code. Work performed by a local agency shall be subject to the laws governing the performance of such work by the local agency and any other applicable state or federal laws. Neither the state nor any officer or employee thereof shall have any responsibility in connection with any work performed by a local agency.

(3) Any contract executed between the local agency and the director, pursuant to the Act, shall contain a provision under which the local agency agrees to hold the state harmless from damages resulting from the work for which funds are allocated; and

(4) A payment bond is required on all contracts involving expenditures in excess of twenty-five thousand dollars (\$25,000), pursuant to sections 3247 and 3248 of the Civil Code, on any public work for a political subdivision including, but not limited to, improvements and replacements of any building, road, bridge or other structure.

(b) Special Provisions for Reclamation and Levee Maintenance Districts:

(1) All work must be bid as required under applicable state or federal laws or regulations or, including 44 CFR, part 13, whichever is the more restrictive. Public Contracts Code, section 20924 requires that districts seeking state or federal assistance comply with the procurement requirements of such state or federal program, if they are more restrictive than the requirements of section 20920 *et seq.* If the district's governing board determines that a district is not required to competitively bid work, that determination must be documented in writing with a full statement of the reasons why bids are not required. The determination to bid or not bid shall be approved by the district board prior to contracting, where possible. If such prior approval is not possible, the board must ratify the decision within 15 days after the decision is made.

(2) If the district's governing board determines that a sole source contract is legally justified or that an emergency exists which justifies an exemption, then the district shall utilize informal bids, or shall, at arm's length, negotiate the best possible price. All contracts will be in writing, approved by the district board, and supported by documentation justifying the price and detailing the negotiations as required in 44 CFR, part 13, or other appropriate law or regulation. All contracts must clearly indicate the specific work to be performed and the time and location of performance of the work, and require the maintenance of adequate source records for audit. Contracts must also provide separate unit prices for emergency and non-emergency work, when the contract covers work which will be done under both emergency and non-emergency conditions.

(3) A written contract shall clearly define the responsibility and the compensation of the engineer. The district's governing board must as-

sure adequate contract administration. This shall include, but not be limited to, such items as sticking barges, checking quantities of material and labor, and maintaining adequate auditable records.

(4) In all contracts for work, services, or materials, the contractor must maintain and retain for three years after notification of the start of the retention period by the director, auditable source documents and records, which shall be available for audit by federal or state auditors.

(5) Districts must maintain separate accounts for registered warrants covering approved work and such other records and accounts as are necessary to assure that all approved work is paid for prior to final reimbursement from the state or FEMA.

(6) Districts will certify and provide OES with verification that none of the costs reimbursed by the state under the Act or by FEMA have been claimed or paid through any other state or federal program, including but not limited to work performed under the Delta Levees Subvention Program, Water Code sections 12980 *et seq.*

NOTE: Authority cited: Section 8682.9, Government Code. Reference: Sections 8682.6, 8682.7, 8685.7, 8685.8 and 8690.6, Government Code.

HISTORY

1. New section filed 10-19-90 as an emergency; operative 10-29-90. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 2). A Certificate of Compliance must be submitted to OAL by 2-26-91 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-7-91 as an emergency; operative 3-7-91. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 16). A Certificate of Compliance must be submitted to OAL by 7-5-91 or emergency language will be repealed by operation of law on the following day.
3. Editorial correction of HISTORY 1. (Register 91, No. 16).
4. Readoption of emergency filed 3-7-91; operative 3-7-91. Readoption filed 7-2-91, pursuant to Government Code section 8682.9; operative 7-2-91 (Register 91, No. 40).
5. New section refiled 10-30-91 as an emergency; operative 10-30-91 (Register 92, No. 6). A Certificate of Compliance must be transmitted to OAL 2-27-92 or emergency language will be repealed by operation of law on the following day.
6. New section filed 9-30-92; operative 10-30-92 (Register 92, No. 41).
7. Amendment of subsections (a)(1) and (b)(4) filed 8-30-2001 as an emergency; operative 8-30-2001 (Register 2001, No. 35). A Certificate of Compliance must be transmitted to OAL by 12-28-2001 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 8-30-2001 order, including further amendment of section, transmitted to OAL 12-26-2001 and filed 2-8-2002 (Register 2002, No. 6).
9. Change without regulatory effect amending subsection (b)(6) filed 12-19-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 51).

§ 2920. Emergency Work.

(a) General Provisions.

(1) Emergency measures undertaken to save lives, to protect public health and safety, and to protect property in a jurisdiction proclaimed to be in a state of emergency by the Governor, are eligible for state financial assistance under section 8685.2 of the Code;

(2) When immediately necessary and no lesser emergency work is feasible, permanent restorative work on facilities damaged or destroyed by a disaster or emergency may be expedited as emergency work; and,

(3) Compliance with codes, specifications, and standards applicable to permanent restoration work is not necessary for emergency work. When a state of emergency has been proclaimed and circumstances are such that permanent restoration of a facility can be quickly accomplished, or when no practical emergency alternative is available, eligible work should be considered under permanent restoration categories. For typical emergency work not requiring formal plans and specifications, consulting engineering services shall not normally be approved.

NOTE: Authority cited: Section 8682.9, Government Code. Reference: Section 8685, Government Code.

HISTORY

1. New section filed 10-19-90 as an emergency; operative 10-29-90. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 2). A Certificate of Compliance must be submitted to OAL by 2-26-91 or emergency language will be repealed by operation of law on the following day.

ter 91, No. 2). A Certificate of Compliance must be submitted to OAL by 2-26-91 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 3-7-91 as an emergency; operative 3-7-91. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 16). A Certificate of Compliance must be submitted to OAL by 7-5-91 or emergency language will be repealed by operation of law on the following day.
3. Editorial correction of HISTORY 1. (Register 91, No. 16).
4. Readoption of emergency filed 3-7-91; operative 3-7-91. Readoption filed 7-2-91, pursuant to Government Code section 8682.9; operative 7-2-91 (Register 91, No. 40).
5. New section refiled 10-30-91 as an emergency; operative 10-30-91 (Register 92, No. 6). A Certificate of Compliance must be transmitted to OAL 2-27-92 or emergency language will be repealed by operation of law on the following day.
6. New section filed 9-30-92; operative 10-30-92 (Register 92, No. 41).

§ 2925. Debris Removal.

(a) General Eligibility

(1) Debris removal from publicly and privately-owned lands and waters, undertaken in response to a state of emergency proclamation by the Governor is eligible for state financial assistance; and,

(2) For purposes of this program, the removal of debris from private property shall be reimbursed only when there is an immediate threat to public health and safety. In a case where reimbursement for debris removal from private property is authorized by the director, the following requirements shall apply, unless waived in part or full by the director:

(A) The property owner must remove all disaster-related debris from the property to the curb or public right-of-way;

(B) The local agency must obtain a signed statement from the property owner to the effect that the property owner does not have insurance covering the removal of the disaster-related debris; and,

(C) The local agency must have a signed statement from the property owner giving the local agency the right of entry and absolving the local agency and the state of any liability relative to removal.

(b) Criteria

Debris removal shall be considered necessary when removal will:

- (1) Eliminate immediate threats to life, public health, and safety;
- (2) Eliminate immediate threats of significant damage to improved public or private property; or,
- (3) Be necessary for the permanent repair, restoration, or reconstruction of damaged public facilities.

(c) Examples of Eligible Work

- (1) Removing debris such as pieces of destroyed buildings, structures, signs, or broken utility poles;
- (2) Removing loose or broken sidewalks and driveways; or,
- (3) Removing fallen trees.

NOTE: Authority cited: Section 8682.9, Government Code. Reference: Sections 8685 and 8685.2, Government Code.

HISTORY

1. New section filed 10-19-90 as an emergency; operative 10-29-90. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 2). A Certificate of Compliance must be submitted to OAL by 2-26-91 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-7-91 as an emergency; operative 3-7-91. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 16). A Certificate of Compliance must be submitted to OAL by 7-5-91 or emergency language will be repealed by operation of law on the following day.
3. Editorial correction of HISTORY 1. (Register 91, No. 16).
4. Readoption of emergency filed 3-7-91; operative 3-7-91. Readoption filed 7-2-91, pursuant to Government Code section 8682.9; operative 7-2-91 (Register 91, No. 40).
5. New section refiled 10-30-91 as an emergency; operative 10-30-91 (Register 92, No. 6). A Certificate of Compliance must be transmitted to OAL 2-27-92 or emergency language will be repealed by operation of law on the following day.
6. New section filed 9-30-92; operative 10-30-92 (Register 92, No. 41).
7. Change without regulatory effect amending subsection (a)(2) filed 12-19-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 51).

§ 2930. Emergency Protective Measures.**(a) General Eligibility**

Emergency protective measures, undertaken in response to a disaster event resulting in a state of emergency proclamation by the Governor, to save lives, to protect public health and safety, and to protect improved property are eligible for state financial assistance under Section 8685.2 of the Code.

(b) Criteria

Emergency protective measures shall include, but are not limited to, search and rescue, demolition of unsafe structures, warning of further risks and hazards, public information on health and safety measures, and actions necessary to remove or to reduce immediate threats to public property, or to private property when in the public interest, or temporary protective measures designed to protect public or private property from further damage.

(c) Examples of Eligible Work

The state shall provide financial assistance for equipment and labor costs, and the costs of supplies and materials used during disaster response activities:

- (1) Buttressing, bracing or shoring to protect structures in imminent danger of major damage or to protect the general public;
- (2) Construction of emergency flood protective levees where immediately required for the protection of life and improved eligible property. Work by individuals to protect their homes or businesses is not eligible;
- (3) Sandbagging to protect life and property;
- (4) Boarding up windows and other enclosures of public buildings to afford protection against the elements and to safeguard from looting;
- (5) Out-of-pocket expenses for safety barricades, signs, and warning devices;
- (6) Cost of extra personnel required during the emergency period. Justification for additional staffing may be requested by the director; and,
- (7) Extraordinary costs associated with emergency snow removal.

(d) Limitations on Emergency Protective Measures

(1) Repairs to levees shall be limited to that work necessary to stop the infiltration of water through a levee to prevent the collapse of a levee, to prevent sloughing of the slopes of the levee, to stop local overtopping, or to protect a levee from attack by wind-driven waves or erosive currents; and,

(2) Work that is immediately necessary as the result of a disaster and directly related to eligible permanent work shall be approved by the director as emergency protective measures. Examples of such work include temporary repairs to damaged buildings or structures, barricading areas to protect damaged property or to direct traffic, costs of emergency hook ups, tapping the water system of an adjoining community until normal supply facilities become operational, by-passing damaged sections of the distribution system until emergency repairs can be made, hooking into privately owned or other public power sources pending repairs to the applicant's generating plant, or cleaning of storm and sanitary sewer lines; and,

(3) Emergency protective facilities installed will be eligible for removal under the Act, only when such facilities are directly affecting the operations of, or access to, public facilities required by the applicant in its normal day-to-day operation. Examples include temporary dikes and levees, security fences, and barricades.

(4) In a case where reimbursement for the demolition of a damaged public facility or a privately owned building is approved by the director, the following standards shall apply, unless waived, in part or in full by the director, explaining in writing the facts and reason for the waiver:

(A) The local agency must clearly possess the legal authority and responsibility to demolish the damaged facility. The local agency must also show that such demolition does not constitute a "taking" which would require the payment of compensation to the property owner;

(B) The local agency requesting approval of building demolition of privately owned buildings must be able to demonstrate that the property owner has no other source of funding to pay for structure demolition;

(C) The local agency must have inspected each building and determined it to be a health or safety hazard. The local agency must have a certification to this effect signed by the appropriate agency official;

(D) The local agency must have a signed statement from the property owner to the effect that the property owner does not have insurance covering the damage or the demolition of the building;

(E) The local agency must have a signed statement from the property owner giving the local agency the right of entry and absolving the local agency and the state of any liability relative to demolition and removal;

(F) The local agency must also comply with any other applicable state or federal health and safety regulation, law, or general requirements; and,

(G) Eligibility is limited to the cost of demolishing designated buildings to the top of the foundation, removal and hauling debris to the waste-site, and back-filling of basements to a safe condition.

NOTE: Authority cited: Section 8682.9, Government Code. Reference: Sections 8685 and 8685.2, Government Code.

HISTORY

1. New section filed 10-19-90 as an emergency; operative 10-29-90. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 2). A Certificate of Compliance must be submitted to OAL by 2-26-91 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-7-91 as an emergency; operative 3-7-91. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 16). A Certificate of Compliance must be submitted to OAL by 7-5-91 or emergency language will be repealed by operation of law on the following day.
3. Editorial correction of HISTORY 1. (Register 91, No. 16).
4. Readoption of emergency filed 3-7-91; operative 3-7-91. Readoption filed 7-2-91, pursuant to Government Code section 8682.9; operative 7-2-91 (Register 91, No. 40).
5. New section refiled 10-30-91 as an emergency; operative 10-30-91 (Register 92, No. 6). A Certificate of Compliance must be transmitted to OAL 2-27-92 or emergency language will be repealed by operation of law on the following day.
6. New section filed 9-30-92; operative 10-30-92 (Register 92, No. 41).
7. Change without regulatory effect amending subsections (c)(6), (d)(2) and (d)(4) filed 12-19-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 51).

§ 2940. Permanent Work.**(a) Repair and Restoration of Public Facilities**

Disaster related repair or permanent restoration work is eligible for state financial assistance if the following criteria are met:

(1) The damaged facility is public real property owned or leased by the applicant agency, and in service, at the time of the disaster. This restriction does not apply to a facility temporarily removed from service due to repair, maintenance, restoration, or reconstruction activities;

(2) The repair or restoration of the damaged facility is determined to be in the general public interest;

(3) The repair or restoration work must be of a permanent nature, in accordance with current codes, specifications, and standards;

(4) Reimbursement for the repair or restoration of eligible public facilities shall be based on the design of the facilities as they existed immediately prior to the disaster, and in conformity with current codes, specifications, and standards. Any costs associated with betterment of the facility must be contributed by the local agency; and,

(5) Prior to completing any betterments to a facility for which state funds have been authorized for repair or restoration under this chapter, the applicant shall submit a written request to the director, or his/her designee, which details the additional work to be completed.

(b) Replacement of Public Facilities

The director will approve funding for the replacement of a public facility, provided the following criteria are met:

(1) The costs to repair disaster damages to the public facility exceed fifty percent (50%) of the total cost of constructing a replacement facility and it is not feasible to repair the damaged facility; or,

(2) The damaged facility cannot be restored or repaired in such a manner that the facility can perform the function for which it was being used immediately prior to the disaster;

(3) If the director authorizes replacement of a public facility, the local agency may increase the square footage of the facility replaced, but the cost of the betterment of the facility, to the extent that it exceeds the cost of repairing or restoring the damaged or destroyed facility, shall be borne and contributed by the local agency;

(4) Funding for a public facility which is replaced through a grant of state assistance shall be based on the cost to replace the predisaster capacity of the predisaster facility, with allowances for current codes, standards, and specifications; and,

(5) Prior to completing any betterments to a facility for which state funds have been authorized for replacement under this chapter, the applicant shall submit a written request to the director, or his/her designee, which details the additional work to be completed.

NOTE: Authority cited: Section 8682.9, Government Code. Reference: Sections 8685 and 8686.4, Government Code.

HISTORY

1. New section filed 10-19-90 as an emergency; operative 10-29-90. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 2). A Certificate of Compliance must be submitted to OAL by 2-26-91 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-7-91 as an emergency; operative 3-7-91. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 16). A Certificate of Compliance must be submitted to OAL by 7-5-91 or emergency language will be repealed by operation of law on the following day.
3. Editorial correction of HISTORY 1. (Register 91, No. 16).
4. Readoption of emergency filed 3-7-91; operative 3-7-91. Readoption filed 7-2-91, pursuant to Government Code section 8682.9; operative 7-2-91 (Register 91, No. 40).
5. New section refiled 10-30-91 as an emergency; operative 10-30-91 (Register 92, No. 6). A Certificate of Compliance must be transmitted to OAL 2-27-92 or emergency language will be repealed by operation of law on the following day.
6. New section filed 9-30-92; operative 10-30-92 (Register 92, No. 41).
7. New subsections (a)(5) and (b)(5) filed 8-30-2001 as an emergency; operative 8-30-2001 (Register 2001, No. 35). A Certificate of Compliance must be transmitted to OAL by 12-28-2001 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 8-30-2001 order, including further amendment of section, transmitted to OAL 12-26-2001 and filed 2-8-2002 (Register 2002, No. 6).
9. Change without regulatory effect amending subsections (a)(5), (b), (b)(3) and (b)(5) filed 12-19-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 51).

§ 2945. Streets, Roads, and Bridges.

(a) General Eligibility

Existing streets, roads, and bridges, maintained with Highway Users Tax Funds by an eligible applicant, are eligible for permanent repair or replacement.

(b) Limitations of Eligibility

(1) Permanent restoration of damaged or destroyed facilities will be on the basis of the design of such facility as it existed immediately prior to the disaster, in conformity with current codes, specifications, and standards to accommodate present day traffic; and,

(2) If no standards are applicable, repair or replacement shall be limited to the costs of returning the facility to predisaster condition based on the existing design. If damages to a facility are not extensive and a facility is economically repairable, repairs only will be approved.

(c) Criteria for Roads and Streets

(1) Hard road surfacing damaged to an extent as to make patching impractical may be replaced to its predisaster condition to provide an all-weather road to permit normal flow of traffic;

(2) Roads and streets in urban areas where necessary repairs are required from curb to curb are eligible;

(3) Items such as manholes and curbs damaged by the disaster are eligible;

(4) Public sidewalks are eligible for repair or replacement if they are within the right-of-way and are the responsibility of the local agency;

(5) Repairs to alleys which provide an essential service and are the responsibility of the local agency are eligible;

(6) Repair or replacement of traffic control signs and signal lights are eligible;

(7) Gravel and unimproved roads subject to width limitations are eligible providing the repairs do not constitute an improvement over their predisaster condition; and,

(8) Shoulders and embankments are eligible for repair or replacement.

(d) Criteria for Bridges and Crossings

(1) Construction of bridges and crossings will follow the local agency's current standard of design. Estimates will be prepared on a state DSR (OES 90, Rev. 1/03, incorporated by reference) with a Bridge Survey completed as an attachment;

(2) Publicly owned water and sewer lines or utility services carried by an existing bridge which has been damaged or destroyed are eligible. The scope of proposed work and estimated cost shall be shown separately on a state DSR (OES 90, Rev. 1/03, incorporated by reference);

(3) Where an essential bridge has been destroyed or damaged to an extent that repairs are not technically or economically feasible, the inspector may recommend an alternate method of replacement. If it can be shown that current codes, specifications, and standards are being met and no greater costs are involved, the applicant may construct a culvert or low-water crossing at the original location or alternate site. If an alternate site is chosen, the cost of acquisition of real estate or right-of-way for relocation purposes must be borne by the applicant; and,

(4) Bridges (including foot bridges) not owned by and not the direct responsibility of the local agency are ineligible.

(e) Criteria for Culverts and Low-Water Crossings

(1) Capacity of a replacement culvert will be based on the predisaster design, in conformity with present-day standards; and,

(2) The cost of replacing a damaged or destroyed culvert or crossing with one that will more adequately serve the present and future public needs may be authorized, but the cost of the betterment, to the extent that it exceeds the cost of repairing or restoring the damaged or destroyed facility is the responsibility of the local agency. Estimates will be made on the basis of the design of the facility as it existed immediately prior to the disaster, in conformity with current codes, specifications, and standards.

NOTE: Authority cited: Section 8682.9, Government Code. Reference: Sections 8685 and 8686.6, Government Code.

HISTORY

1. New section filed 10-19-90 as an emergency; operative 10-29-90. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 2). A Certificate of Compliance must be submitted to OAL by 2-26-91 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-7-91 as an emergency; operative 3-7-91. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 16). A Certificate of Compliance must be submitted to OAL by 7-5-91 or emergency language will be repealed by operation of law on the following day.
3. Editorial correction of HISTORY 1. (Register 91, No. 16).
4. Readoption of emergency filed 3-7-91; operative 3-7-91. Readoption filed 7-2-91, pursuant to Government Code section 8682.9; operative 7-2-91 (Register 91, No. 40).
5. New section refiled 10-30-91 as an emergency; operative 10-30-91 (Register 92, No. 6). A Certificate of Compliance must be transmitted to OAL 2-27-92 or emergency language will be repealed by operation of law on the following day.
6. New section filed 9-30-92; operative 10-30-92 (Register 92, No. 41).
7. Amendment of subsections (d)(1)-(2) filed 8-30-2001 as an emergency; operative 8-30-2001 (Register 2001, No. 35). A Certificate of Compliance must be transmitted to OAL by 12-28-2001 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 8-30-2001 order transmitted to OAL 12-26-2001 and filed 2-8-2002 (Register 2002, No. 6).
9. Change without regulatory effect amending subsections (d)(1)-(2) filed 12-19-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 51).

§ 2950. Dikes, Levees and Flood Control Works.

(a) General Eligibility

Flood control, drainage, irrigation works, pumping stations, and facilities which are operated or maintained by an eligible applicant and which do not come within the provisions of another statutory authority are eligible for permanent repair, restoration, or replacement.

(b) Limitations of Eligibility

(1) Earth filled dikes and levees shall be limited to the previously existing elevation and general cross-section. Finish shall not exceed rough grading. Rip rap eligibility will be limited to replacement; however, the placement of additional rip rap may be allowed if justified by an immediate threat to the location under repair, as an emergency measure;

(2) Appurtenant essential structures are eligible if consistent with the purpose for which the repairs are intended. An impervious core is eligible if definitely required and justified;

(3) Repairs may also include restoration of cutoff walls or closure structures. Repair of erosion damage which was a direct result of the ongoing disaster may be made to the extent necessary to ensure structural integrity of the dike or levee; and

(4) Repair or restoration of the roadway along the top of the structure required to provide access for maintenance and flood control operations will not exceed that which previously existed.

(c) Criteria for Drainage Ditches and Canals

(1) Restoration or repair of drainage ditches and canals which were damaged or destroyed as a result of the disaster, when the responsibility of the local agency, are eligible.

(d) Criteria for Irrigation Works and Facilities

(1) Permanent repair, restoration, or replacement of irrigation works and facilities shall be limited to the reconstruction necessary to restore the facility to its predisaster condition, in accordance with current codes, specifications, and standards. Finish generally shall not exceed rough grading. Rip rap or other protective measures may be included only when justified by threat of immediate erosion damage. Appurtenant essential structures such as drops, checks, siphons, and flumes shall be constructed of appropriate materials consistent with the purpose for which the structures are intended;

(2) Essential buildings pertinent to the operation of the irrigation facilities are eligible under the standards outlined in section 2955 of these regulations; and,

(3) When it is not feasible to reconstruct or repair damaged facilities in their predisaster location, or when savings can be realized by relocation, replacement facilities may be constructed at alternate locations. If an alternate site is chosen, the cost of acquiring real estate or rights-of-way is the responsibility of the applicant.

NOTE: Authority cited: Section 8682.9, Government Code. Reference: Sections 8680.4, and 8686.4, Government Code.

HISTORY

1. New section filed 10-19-90 as an emergency; operative 10-29-90. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 2). A Certificate of Compliance must be submitted to OAL by 2-26-91 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-7-91 as an emergency; operative 3-7-91. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 16). A Certificate of Compliance must be submitted to OAL by 7-5-91 or emergency language will be repealed by operation of law on the following day.
3. Editorial correction of HISTORY 1. (Register 91, No. 16).
4. Readoption of emergency filed 3-7-91; operative 3-7-91. Readoption filed 7-2-91, pursuant to Government Code section 8682.9; operative 7-2-91 (Register 91, No. 40).
5. New section refiled 10-30-91 as an emergency; operative 10-30-91 (Register 92, No. 6). A Certificate of Compliance must be transmitted to OAL 2-27-92 or emergency language will be repealed by operation of law on the following day.
6. New section filed 9-30-92; operative 10-30-92 (Register 92, No. 41).

§ 2955. Public Buildings.

(a) General Eligibility

Existing local agency buildings, except inactive or abandoned facilities, maintained by an eligible applicant are eligible for state assistance for permanent repair or replacement costs. This restriction does not apply to facilities that are temporarily removed from service for repairs or maintenance.

(b) Limitations of Eligibility

Permanent restoration or repair eligibility for a damaged or destroyed public facility will be on the basis of design of such facility as it existed immediately prior to the disaster, in conformity with current codes, specifications, and standards. The extent of reimbursement shall be controlled by the facility's use and the function it performs for the community. The following information is furnished for guidance:

(1) Damage to the exterior of a building shall be repaired with like materials unless less expensive material is available;

(2) Nonstructural and fixed equipment, such as floors, walls and ceilings, doors and windows, and roofing, is eligible for repair when damaged;

(3) Mechanical and electrical equipment, heating systems, plumbing fixtures, and air conditioning systems are eligible for repair or replacement to the extent of returning the facility to its predisaster condition. Air conditioning will not be approved where it did not exist prior to the disaster event, unless required by current codes, specifications, and standards;

(4) Fixed appliances, dishwashers, garbage disposals, water heaters, light fixtures, and sump pumps plumbed into the structure are considered as a part of the structure and if damaged or destroyed are eligible for repair or replacement;

(5) Electrical wiring, plumbing and utilities, if damaged as a result of the disaster, shall be repaired to conform to local codes;

(6) Replacement of a building may be eligible when a determination has been reached that it would not be economically or technically feasible to make repairs. A suitable replacement structure equal in functional requirements to the facility damaged or destroyed, conforming to current codes, specifications, and standards, may be authorized. In such instances, adequate justification will be detailed in the state DSR (OES 90, Rev. 1/03, incorporated by reference), including comparable cost estimates. The inspector shall ascertain if the entire destroyed facility was being utilized by the applicant prior to the disaster and make appropriate comments on the state DSR (OES 90, Rev. 1/03, incorporated by reference). Functional requirements for the new structure shall take precedence over any design factors;

(7) The state cost estimate for the replacement facility will be based on the floor area of the original building, except in those instances where local codes require a specific footage or area per person; and then only to the extent of the capacity originally intended in the original structure;

(8) Relocation from the original site may, in some instances, be more advantageous and economical. In such cases, the acquisition costs of land, easements or rights-of-way is the responsibility of the local agency; and,

(9) Increased capacity and added operating features are betterments and will be borne by the local agency. Construction materials shall be those types required consistent with the location, usage, and function of the replacement. Long-term maintenance expenses are not considered a controlling factor.

NOTE: Authority cited: Section 8682.9, Government Code. Reference: Sections 8685 and 8686.4, Government Code.

HISTORY

1. New section filed 10-19-90 as an emergency; operative 10-29-90. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 2). A Certificate of Compliance must be submitted to OAL by 2-26-91 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-7-91 as an emergency; operative 3-7-91. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 16). A Certificate of Compliance must be submitted to OAL by 7-5-91 or emergency language will be repealed by operation of law on the following day.
3. Editorial correction of HISTORY 1. (Register 91, No. 16).
4. Readoption of emergency filed 3-7-91; operative 3-7-91. Readoption filed 7-2-91, pursuant to Government Code section 8682.9; operative 7-2-91 (Register 91, No. 40).
5. New section refiled 10-30-91 as an emergency; operative 10-30-91 (Register 92, No. 6). A Certificate of Compliance must be transmitted to OAL 2-27-92 or emergency language will be repealed by operation of law on the following day.
6. New section filed 9-30-92; operative 10-30-92 (Register 92, No. 41).
7. Amendment of subsections (b) and (d)(6) filed 8-30-2001 as an emergency; operative 8-30-2001 (Register 2001, No. 35). A Certificate of Compliance must

be transmitted to OAL by 12-28-2001 or emergency language will be repealed by operation of law on the following day.

8. Certificate of Compliance as to 8-30-2001 order transmitted to OAL 12-26-2001 and filed 2-8-2002 (Register 2002, No. 6).
9. Change without regulatory effect amending subsection (b)(6) filed 12-19-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 51).

§ 2960. Utilities.

(a) General Eligibility

Utilities include but are not limited to such services as water, power, and sewage facilities.

(b) Limitations of Eligibility

(1) Repair or replacement of public utilities shall be limited to work necessary to permit a safe resumption of service, in accordance with current codes, specifications, and standards;

(2) By-passing, cleaning, or demolition, when required in making permanent repairs, may be considered but only to the extent that it relates to the permanent repair; and,

(3) Repair or replacement of public utility distribution systems shall be of the same general type of materials as previously existed. If more economical and satisfactory alternate materials which meet current codes, specifications, and standards are available, they shall be used. Essential buildings and related equipment appurtenant to the operation which are classed as real property which were damaged or destroyed as a result of the disaster are eligible.

NOTE: Authority cited: Section 8682.9, Government Code. Reference: Sections 8680.4 and 8685, Government Code.

HISTORY

1. New section filed 10-19-90 as an emergency; operative 10-29-90. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 2). A Certificate of Compliance must be submitted to OAL by 2-26-91 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-7-91 as an emergency; operative 3-7-91. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 16). A Certificate of Compliance must be submitted to OAL by 7-5-91 or emergency language will be repealed by operation of law on the following day.
3. Editorial correction of HISTORY 1. (Register 91, No. 16).
4. Readoption of emergency filed 3-7-91; operative 3-7-91. Readoption filed 7-2-91, pursuant to Government Code section 8682.9; operative 7-2-91 (Register 91, No. 40).
5. New section refiled 10-30-91 as an emergency; operative 10-30-91 (Register 92, No. 6). A Certificate of Compliance must be transmitted to OAL 2-27-92 or emergency language will be repealed by operation of law on the following day.
6. New section filed 9-30-92; operative 10-30-92 (Register 92, No. 41).

§ 2965. Other Projects.

Certain other items, such as repairs to or the replacement of parks or other recreation facilities, district roads and access facilities, or costs associated with temporary facilities, may be eligible for state assistance, subject to the repair or replacement criteria referenced above. Other eligible costs may include any assistance deemed necessary by the director as stated in writing explaining the basis for the finding of necessity.

NOTE: Authority cited: Section 8682.9, Government Code. Reference: Sections 8680.4 and 8685, Government Code.

HISTORY

1. New section filed 10-19-90 as an emergency; operative 10-29-90. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 2). A Certificate of Compliance must be submitted to OAL by 2-26-91 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-7-91 as an emergency; operative 3-7-91. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 16). A Certificate of Compliance must be submitted to OAL by 7-5-91 or emergency language will be repealed by operation of law on the following day.
3. Editorial correction of HISTORY 1. (Register 91, No. 16).
4. Readoption of emergency filed 3-7-91; operative 3-7-91. Readoption filed 7-2-91, pursuant to Government Code section 8682.9; operative 7-2-91 (Register 91, No. 40).
5. New section refiled 10-30-91 as an emergency; operative 10-30-91 (Register 92, No. 6). A Certificate of Compliance must be transmitted to OAL 2-27-92

or emergency language will be repealed by operation of law on the following day.

6. New section filed 9-30-92; operative 10-30-92 (Register 92, No. 41).
7. Change without regulatory effect amending section filed 12-19-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 51).

§ 2970. Application Process.

(a) Basic Procedures:

(1) To be eligible for assistance under the Act, a city, county or city and county must proclaim a local emergency within ten (10) days of the actual occurrence of a disaster and the proclamation must be acceptable to the director, or the Governor must make a State of Emergency Proclamation. When a county has proclaimed a local emergency based upon conditions which include both incorporated and unincorporated territory of the county, it is not necessary for the cities to also proclaim the existence of a local emergency independently;

(2) The city, county or city and county shall provide the director written notification of a proclamation of local emergency and request for a director's concurrence or State of Emergency proclamation within ten (10) days of the actual occurrence of a disaster. Upon receipt of the city, county or city and county's notification, the director shall issue either (A) approval or denial of the director's concurrence or recommendation that the Governor proclaim a state of emergency, or (B) written notification to the affected city, county or city and county indicating the approximate timeframe for rendering a recommendation. A Preliminary Damage Assessment (PDA) may be scheduled with the affected local agency to obtain additional information. If it is determined that state assistance will be provided, the affected local agency will be notified by the director of such assistance as well as the application procedures;

(3) The director, or his/her designee, shall notify the affected city, county or city and county of the incident period beginning and end dates;

(4) A local agency must submit a Project Application (OES 126, Rev. 1/03, incorporated by reference) to OES within sixty (60) days after the date of a local proclamation. The director or his/her designee may extend this deadline only for unusual or extraordinary circumstances. When filing an application for assistance, an applicant must attach a List of Projects (OES 95, Rev. 7/01, incorporated by reference). Formats other than the OES 95 may be substituted if they contain the required information. Prior to application approval by the state, an applicant shall also submit or have on file a resolution designating an authorized representative. In the event of a federal declaration of a major disaster or emergency, the submittal of a federal Request for Public Assistance (FEMA 90-49, Rev. 9/98, incorporated by reference) within the specified federal application period, will meet the state application requirement;

(5) After receipt of the application and a list of projects, OES will, if necessary, schedule an on-site review of all submitted items, which will be singly detailed on separate DSRs (OES 90s, Rev. 1/03, incorporated by reference). Under normal circumstances, the state will complete DSRs (OES 90s, Rev. 1/03, incorporated by reference) with cost estimates for an applicant agency within sixty (60) days from the date of the local agency application. When a public facility, damaged in a prior disaster event, has not been completely repaired or restored at the time of a subsequent disaster event, the total damage and scope of work for both disasters, excluding the prior disaster work already completed, will be detailed on a DSR. In addition, a separate DSR will be prepared to deobligate any unexpended funds previously provided for the incomplete portion of work;

(6) Upon approval of eligible costs, OES will send copies of the state DSRs (OES 90s, Rev. 1/03, incorporated by reference) and a computerized summary of all approved costs to the applicant's authorized representative for review and approval. OES will send the completed application to the applicant's designated authorized representative for review and approval with an Applicant Approval Form (CDAA Form 3a, Rev. 1/03, incorporated by reference);

(7) Upon receipt of an Applicant Approval Form (CDAA Form 3a, Rev. 1/03, incorporated by reference), OES will process an allocation for the state share of approved costs through the State Controller's Office.

An authorized representative's signature on the approval form allows the state to process an allocation of funds. An applicant does not forfeit the right to a fair hearing or an appeal, by signing the Applicant Approval Form;

(8) If the Governor proclaims a state of emergency or a catastrophic failure due to excessive damage to Federal Aid System (FAS) Roads, the Governor may request emergency funds pursuant to section 125 of title 23 of the U.S. Codes. Upon concurrence of a natural disaster or catastrophic failure by the Federal Highway Administration (FHWA), an Emergency Relief (ER) program will be administered by the California Department of Transportation (CALTRANS);

(9) All projects in the local agency application under the Act on FAS roads, which are to be financed in whole or in part from federal ER funds under an approved ER program, shall be transferred to and administered by CALTRANS in accordance with FHWA policy and procedures unless retained and administered by OES. A separate local agency-CALTRANS state agreement will be entered into covering those ER projects that are transferred;

(10) CALTRANS, by agreement with OES, will be given authority to work directly with local agencies on projects that are transferred when ER funds are involved. CALTRANS will remit to the local agencies any and all amounts due them from the share of costs assessable against federal ER funds; and,

(11) When all work is satisfactorily completed and the agreement is administratively closed, CALTRANS will provide all final documentation and the closing date of the agreement to OES. This will allow OES and CALTRANS to make a final settlement with local agencies on the approved and accepted projects relating to FAS routes, non-FAS routes and other public facilities restored or replaced under the Act.

(b) Special Procedures for School Districts:

(1) Upon implementation of the Act, OES will notify the Superintendent of Public Instruction of the availability of state financial assistance, providing copies of eligibility guidelines and instructions and forms, for distribution to affected school districts;

(2) An affected school district must submit a Project Application (OES 126, Rev. 1/03, incorporated by reference), to the Superintendent, within sixty (60) days from the date of the local proclamation. The director, or his/her designee, may extend this deadline only for unusual circumstances. When filing an application for assistance, an applicant must attach a separate List of Projects (OES 95, Rev. 7/01, incorporated by reference) for each affected school within the district. Formats other than the OES 95 may be substituted if they contain the required information. Prior to funding authorization, an applicant school district must also submit or have on file a resolution designating an authorized representative;

(3) After the review and approval of the application for assistance, the Superintendent will forward the original Project Application (OES 126, Rev. 1/03, incorporated by reference), list of projects, and any other supporting documentation to the director for processing by OES;

(4) After receipt of the application and a list of projects, OES will, if necessary, schedule an on-site review of all submitted items, which will be singly detailed on separate DSRs (OES 90s, Rev. 1/03, incorporated by reference). Under normal circumstances, the state will complete DSRs (OES 90s, Rev. 1/03, incorporated by reference) with cost estimates for an applicant agency within sixty (60) days from the date of the local agency application;

(5) The completed application will also include a computerized summary of all approved costs by line item. OES will send the completed application to the applicant's designated authorized representative for review and approval with an Applicant Approval Form (CDAA Form 3a, Rev. 1/03, incorporated by reference);

(6) Upon receipt of an Applicant Approval Form (CDAA Form 3a, Rev. 1/03, incorporated by reference), OES will process an allocation for the state share of approved costs through the State Controller's Office. An authorized representative's signature on the approval form allows the state to process an allocation of funds. An applicant does not forfeit the

right to a fair hearing or an appeal, by signing an Applicant Approval Form (CDAA Form 3a, Rev. 1/03, incorporated by reference); and,

(7) Funds paid against approved claims will be disbursed to the appropriate County Office of Education. All school district applicants are required to comply with the provisions of the U.S. Department of Education, when federal school disaster assistance programs are implemented in accordance with Public Laws 81-815 and 81-874.

(c) Time Limitations for Work Completion:

(1) In the event of a director's concurrence with a local proclamation or a state of emergency proclamation involving no federal assistance, the deadlines shown below are set from the date of the local proclamation and apply to all projects. Applicants receiving federal major disaster or emergency assistance are expected to comply with federal regulations, which establish deadlines according to the date that a major disaster or emergency is declared;

(2) Completion deadlines:

TYPE	MONTHS
Debris clearance	6
Emergency work	6
Permanent work	18

(3) The director may impose less stringent deadlines for work completion, if considered appropriate; or

(4) The director may extend work completion deadlines for extenuating circumstances or unusual project requirements beyond the control of an applicant. Requests for time extensions, with appropriate justification, shall be submitted by an applicant as soon as it becomes apparent that the applicable deadline cannot be met.

(d) Supplements:

(1) During the performance of approved work, an applicant may discover that actual project costs exceed the approved DSR estimate. A supplement should be requested:

(A) When there is a change in the scope or method of performing approved work; or,

(B) When it is discovered that there is a substantial cost overrun to perform approved work.

(2) An applicant may submit a supplement request for a substantial cost overrun, in letter form, to OES in a timely manner and, whenever possible, prior to the completion of the work in question. The request shall contain sufficient documentation to support the eligibility of all claimed work and costs. However, cost overruns may also be addressed at the time of Final Inspection;

(3) Requests for a change in project scope must be filed, in writing, prior to work commencement and shall contain sufficient documentation to support the eligibility of all additional proposed work and costs; and,

(4) OES shall formally notify the applicant of the determination. Approved supplements are processed in the same manner described above for a project application.

(e) State Share:

For any eligible project, the state share shall amount to no more than 75 percent of the total state eligible costs unless the local match is waived by either the director in accordance with section 8687.2 of the Government Code or by amendment to the Code. The state shall make no allocation for any project application resulting in a state share of less than two-thousand five-hundred dollars (\$2,500). This provision shall not apply to those project applications which result in a state share of \$2,500 or greater and are subsequently reduced.

(f) Advances:

(1) Funds may be advanced for up to ninety percent (90%) of an applicant's approved allocation. Requests for advances should be made using a Request for Advance of Funds (CDAA Form 3a, Rev. 1/03, incorporated by reference). No request for an advance will be processed prior to OES's receipt of a resolution designating an authorized representative. Advances shall be provided to applicants in order to meet current obligations and anticipated expenditures for a ninety (90) day period. The state reserves the right to request documentation justifying large advances.

(2) As a requirement of this program, an applicant must establish a special fund or account for the deposit of any state funds received. Under no circumstances should expenditures be made from this fund/account for non-approved disaster related items. Furthermore, all expenditures drawn on this account must be applied toward damages sustained from the specified disaster for which funds were advanced. Any interest earned from state funds is the property of the state and must be refunded.

(g) Loans and Deferred Payments:

(1) The director may loan money to a local agency, if in the director's opinion, the local agency is currently unable to meet its financial obligations under the Act.

(2) Money may be loaned to a local agency for purposes of ensuring that the local agency is able to meet its local share matching requirements; for the repair or replacement of a public facility, or, for any other purpose which the director considers a loan of money, necessary and appropriate.

(3) The loan agreement executed between the director and the local agency must comply with the State Contract Act and will provide for repayment of the principle and interest within ten years from the date of execution of the agreement. Interest will be estimated at an amount equal to the revenue which the state would have derived by investing the total loan amount, at the interest rate prevailing for legal state investments, on the date the loan is made.

NOTE: Authority cited: Section 8682.9, Government Code. Reference: Sections 8680.5, 8682.8, 8685, 8685.2, 8685.4, 8685.6, 8685.8, 8686, 8686.1 and 8686.8, Government Code.

HISTORY

1. New section filed 10-19-90 as an emergency; operative 10-29-90. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 2). A Certificate of Compliance must be submitted to OAL by 2-26-91 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-7-91 as an emergency; operative 3-7-91. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 16). A Certificate of Compliance must be submitted to OAL by 7-5-91 or emergency language will be repealed by operation of law on the following day.
3. Editorial correction of HISTORY 1. (Register 91, No. 16).
4. Readoption of emergency filed 3-7-91; operative 3-7-91. Readoption filed 7-2-91, pursuant to Government Code section 8682.9; operative 7-2-91 (Register 91, No. 40).
5. New section refiled 10-30-91 as an emergency; operative 10-30-91 (Register 92, No. 6). A Certificate of Compliance must be transmitted to OAL 2-27-92 or emergency language will be repealed by operation of law on the following day.
6. New section filed 9-30-92; operative 10-30-92 (Register 92, No. 41).
7. Amendment of section and NOTE filed 8-30-2001 as an emergency; operative 8-30-2001 (Register 2001, No. 35). A Certificate of Compliance must be transmitted to OAL by 12-28-2001 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 8-30-2001 order, including further amendment of section, transmitted to OAL 12-26-2001 and filed 2-8-2002 (Register 2002, No. 6).
9. Change without regulatory effect amending section filed 12-19-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 51).

§ 2980. Final Claim Process.

(a) Forms:

After completing all approved work items, a local agency must file a final claim with OES. Final claim documents shall be completed and submitted within sixty (60) days of the completion of all eligible work items. Final claim documents are as follows:

Disaster Type

State-only under a director's concurrence with a local emergency or Governor's state of emergency proclamation and cost-share with federal programs other than FEMA

Cost share with FEMA disaster or emergency

(b) Claimed Costs:

When preparing a claim, all eligible items approved in the application must be included, even though the total amount expended may exceed the amount approved by OES. Substantial cost overruns in excess of the approved application amount shall be submitted to OES for approval prior to filing a final claim.

(c) Final Inspections:

(1) All costs and work items included in an applicant's claim are subject to final review and inspection by the state. OES or a state agency, assigned by OES, as authorized under section 8685.4 of the Code, may perform an on-site review of any or all completed work items. All supporting claim documentation must be at one specific location to facilitate inspection and audit processes. Inspectors shall have access to original source documentation at the time of final inspection; and,

(2) Final supplements to approved applications will cover cost overruns and under-runs.

(d) Audits: The director shall conduct audits and investigations as necessary to ensure compliance with these regulations and, in connection therewith, may question such persons as may be necessary to carry out such audits and investigations. In order to make audits, examinations, excerpts and transcripts, Federal and State auditors, and the director, or their duly authorized representatives, shall have the right of access to any books, documents, papers, or other records which are pertinent to any activity undertaken or funded under these regulations. The rights of access shall last as long as the records are retained if retention exceeds what is required under these regulations.

(e) Retention Requirements for Records: The director will notify each applicant of the starting date of the retention period. The applicant shall retain all financial and program records, supporting documents, statistical records, and other records reasonably considered as pertinent to program regulations, or the grant agreement, for three years from the starting date of the retention period.

(f) Original Source Documentation: Microfilm, microfiche, or other representations of original source documents may be accepted in lieu of original source documents, if the local agency provides to OES an independent or internal auditor's report attesting to the accuracy of the alternate forms of original source documents.

(g) Final Funding Determination: Any funds owed to an applicant by the state shall be paid after final determination of eligible costs by OES, upon review of the final inspection report or audit. OES shall invoice applicants for funds owed to the state.

NOTE: Authority cited: Section 8682.9, Government Code. Reference: Sections 8682.8, 8683, 8685.4 and 8690.6, Government Code.

HISTORY

1. New section filed 10-19-90 as an emergency; operative 10-29-90. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 2). A Certificate of Compliance must be submitted to OAL by 2-26-91 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-7-91 as an emergency; operative 3-7-91. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 16). A Certificate of Compliance must be submitted to OAL by 7-5-91

Final Claim Form

CDAAs Project Summary (CDAAs 4) Project Summary Certification of Documentation (CDAAs Form 4a, rev. 1/03, incorporated by reference)

Federal Project Listing (P.4)

or emergency language will be repealed by operation of law on the following day.

3. Editorial correction of HISTORY 1. (Register 91, No. 16).
4. Readoption of emergency filed 3-7-91; operative 3-7-91. Readoption filed 7-2-91, pursuant to Government Code section 8682.9; operative 7-2-91 (Register 91, No. 40).
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6. New section filed 9-30-92; operative 10-30-92 (Register 92, No. 41).
7. Amendment filed 8-30-2001 as an emergency; operative 8-30-2001 (Register 2001, No. 35). A Certificate of Compliance must be transmitted to OAL by 12-28-2001 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 8-30-2001 order, including further amendment of section, transmitted to OAL 12-26-2001 and filed 2-8-2002 (Register 2002, No. 6).
9. Change without regulatory effect amending subsection (a) filed 12-19-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 51).

§ 2990. Fair Hearing Process.

In the event of a dispute or grievance between the local agency and the state concerning the application, the following administrative procedures shall be followed by both parties, prior to either party seeking judicial review:

(a) Level One:

The local agency shall first discuss the grievance with the field representative assigned by the OES Disaster Assistance Division. If the grievance cannot be resolved at this stage, the local agency shall direct the grievance, together with any information in writing, to the deputy director, OES Disaster Assistance Division or his/her designee, within sixty (60) working days of receipt of notification of the issue to be grieved, unless this deadline is extended by OES. The grievance must state the issues in the dispute, the legal authority, or other basis for the local agency's position, and the remedy sought. The deputy director, OES Disaster Assistance Division or his/her designee, shall make a determination on the grievance within sixty (60) working days after receipt of the written communication from the local agency. The deputy director, OES Disaster Assistance Division or his/her designee, shall respond in writing to the local agency indicating the decision reached and the reasons therefor. Should the local agency disagree with this decision, the local agency may appeal to the second level.

(b) Level Two:

The local agency shall prepare a letter indicating why the deputy director of OES' Disaster Assistance Division's or his/her designee's decision is unacceptable, attaching to it the local agency's original statement of the dispute with supporting documents, together with a copy of the deputy director of OES' Disaster Assistance Division's or his/her designee's response. This letter shall be sent to the director of OES within sixty (60) working days from receipt of the deputy director of OES' Disaster Assistance Division's or his/her designee's decision, unless this deadline is extended. Based upon a request from the local agency, the director of OES may meet with the local agency representatives to review the grievance and the issues raised. The director of OES shall issue a written decision to the local agency within sixty (60) working days of receipt of the local agency's letter. This written decision shall be deemed a final judgment for purposes of this Fair Hearing Process.

NOTE: Authority cited: Section 8682.9, Government Code. Reference: Natural Disaster Assistance Act, Chapter 7.5, Division 1, Title 2 (Section 8680 *et seq.*), Government Code.

HISTORY

1. New section filed 10-19-90 as an emergency; operative 10-29-90. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 2). A Certificate of Compliance must be submitted to OAL by 2-26-91 or emergency language will be repealed by operation of law on the following day.
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3. Editorial correction of HISTORY 1. (Register 91, No. 16).
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8. Change without regulatory effect amending section filed 12-19-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 51).

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Title 19. Public Safety

Division 3. Seismic Safety Commission

Vol. 25

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Division 3. Seismic Safety Commission

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Division 3. Seismic Safety Commission

Foreword

SEISMIC SAFETY COMMISSION

The Seismic Safety Commission was created by the California Legislature to strengthen earthquake safety in the State by improving public policy, especially that related to reducing hazards and lessening the effects of damaging earthquakes.

The Commission provides an overall policy framework for seismic safety, is a means for coordinating various programs, and is a focal point for proposals, recommendations, and implementation actions to deal with the continuing earthquake problem in California.

Article 1. Emergency Meetings

§ 3000. Notice of Meetings.

The Chairman may order that a meeting of the Commission take place,

or that a new item be added to an agenda, with less than one week's notice to those persons who have requested such notice when he determines that such a meeting or augmentation of the agenda is necessary to discuss unforeseen emergency conditions as defined in Section 3001, and it is not possible to give one week's notice. If both the Chairman and Vice-Chairman are unavailable, the Executive Director, but if there be one, the Chairman's designee, shall exercise the authority set forth herein.

NOTE: Authority cited: Section 11125, Government Code. Reference: Sections 8890–8899.5, Government Code.

HISTORY

1. New Chapter 3 (Article 1, §§ 3000–3001) filed 1–15–76; effective thirtieth day thereafter (Register 76, No. 3).

§ 3001. Emergency Conditions.

“Unforeseen emergency conditions” are defined as the occurrence or prediction of an earthquake or a related event which is likely to be injurious to the public health and safety.



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**Title 19
Public Safety**

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Index updated through Register 2007, Number 52; December 28, 2007

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